LA CONNER SHORELINE MANAGEMENT MASTER PROGRAM

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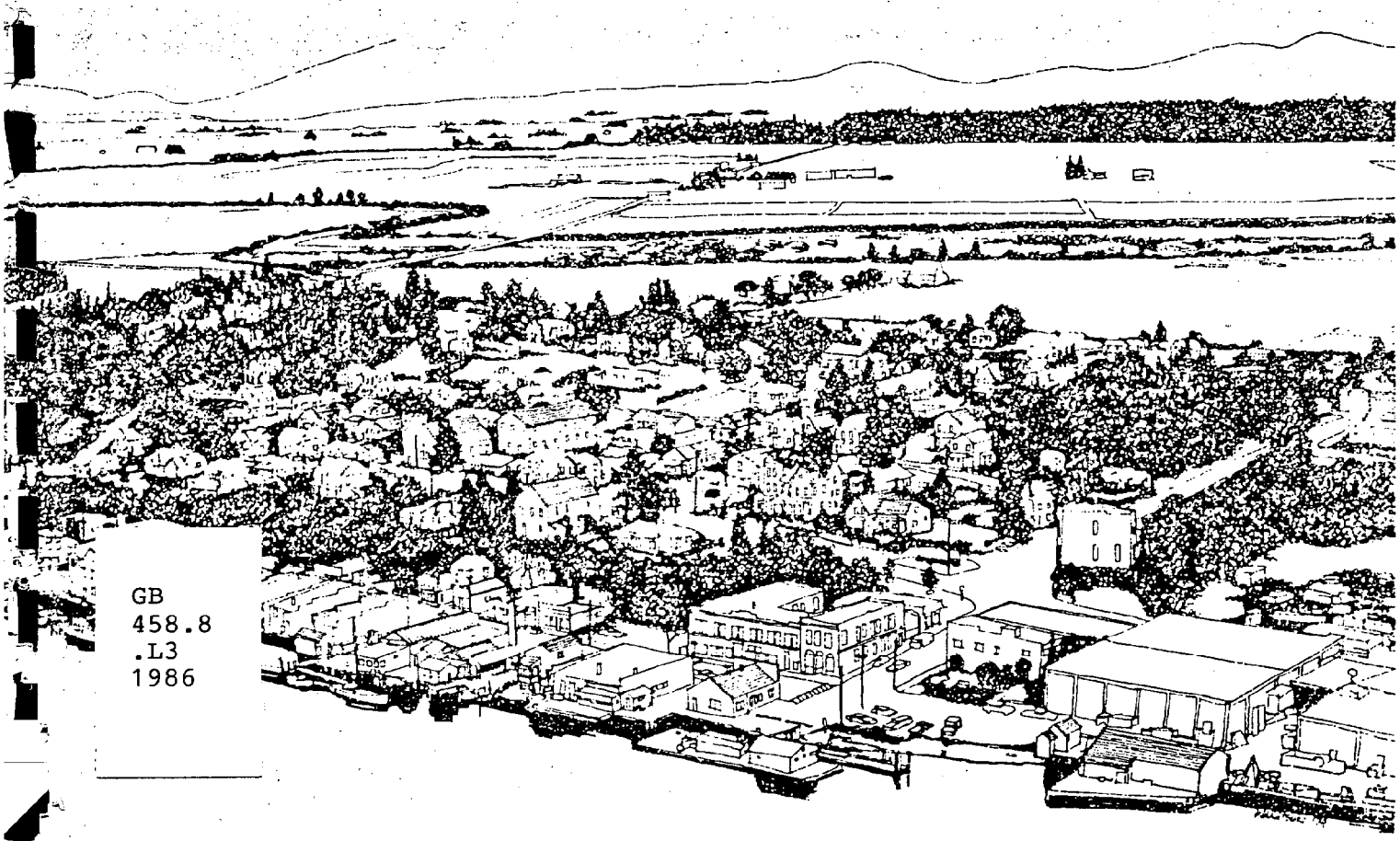

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SHORELINE MASTER PROGRAM

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PREFACE

In 1986 the Town of La Conner contracted with the Skagit County Planning Department to update their Shoreline Management Master Plan and Shoreline Management Master Program to better address the unique nature of the La Conner community, particularly within the Historic Area. There was a need to better define land uses to be allowed within the historic and non-historic areas, particularly those that are not water-dependent or water-related. La Conner needed to diversify it's employment and tax base and to provide additional facilities for both visitors and residents, particularly in relation to waterfront access.

The following Master Plan and Master Program addresses these critical needs while preserving the natural resources so important to the residents of La Conner, Skagit County and the State of Washington.

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APPENDIX A: SHORELINE MASTER PROGRAM MAP.

I. BACKGROUND AND PURPOSE

The existing "La Conner Shoreline Master Program" ("Master Program") requires that development within the Shoreline area must be:

1. shoreline related;

2. shoreline dependent; or

3. exempted from the permit process.

Because of the character of existing development and the historic nature of the community, enforcement of these requirements has resulted in conflicts.

The town was founded on the banks of the Swinomish Slough in 1880. In 1893 the Corps of Engineers dredged the Slough to improve navigation along the coast between Padilla and Skagit Bay. To take advantage of this navigation route, much of the town was built over the water.

Much of this original development has been preserved and the waterfront area has been declared a National Historic Site. The economic vitality of this historic area has been dependent on a mix of retail, service and residential uses. In fact, the existing historic structures would not support water-dependent or most water-related uses.

The purpose of this Master Plan is to resolve this conflict and more specifically to:

o Assure adequate public access to the waterfront;

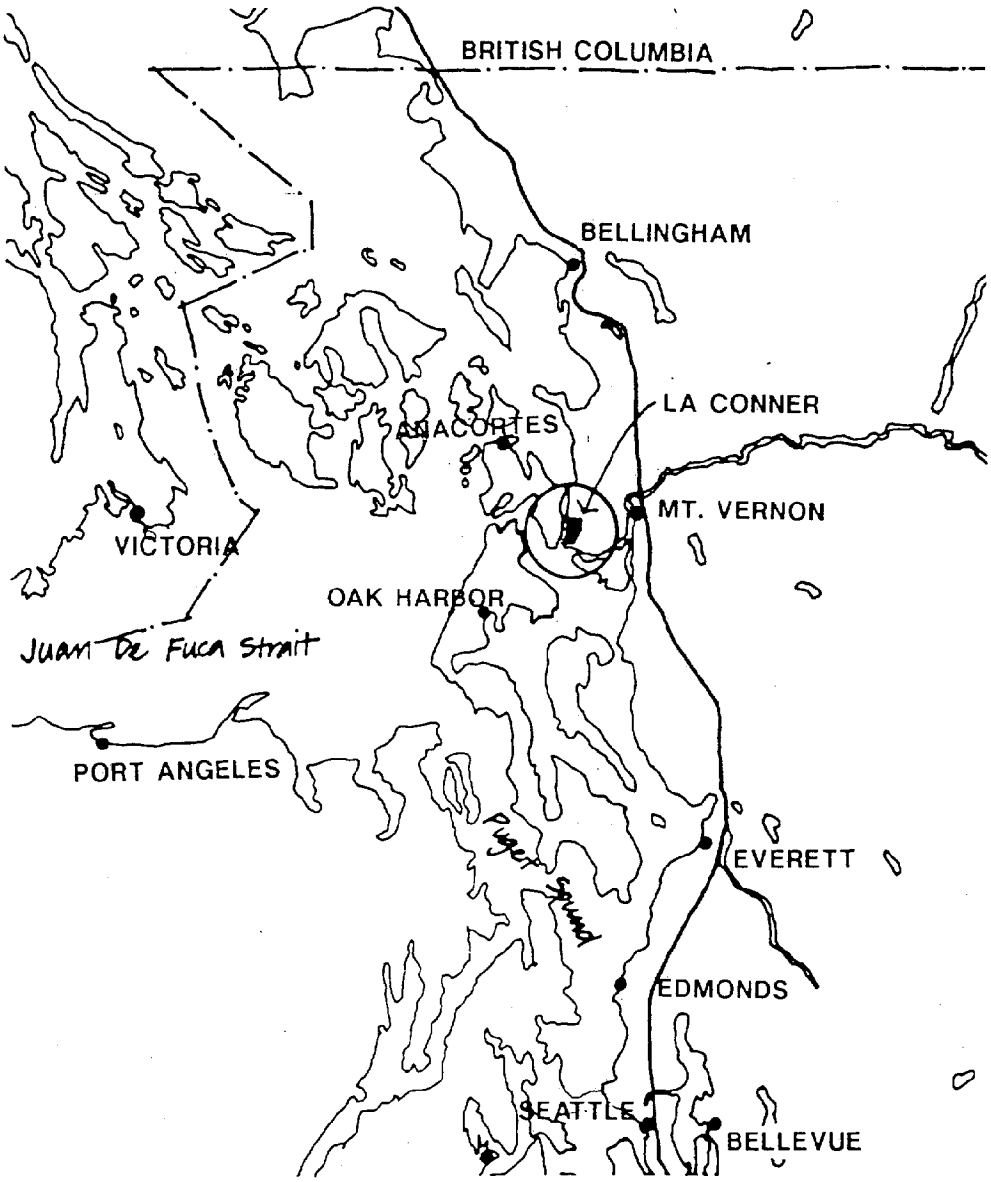
o Protect and preserve historic quality;

o Protect natural and shoreline resources; and

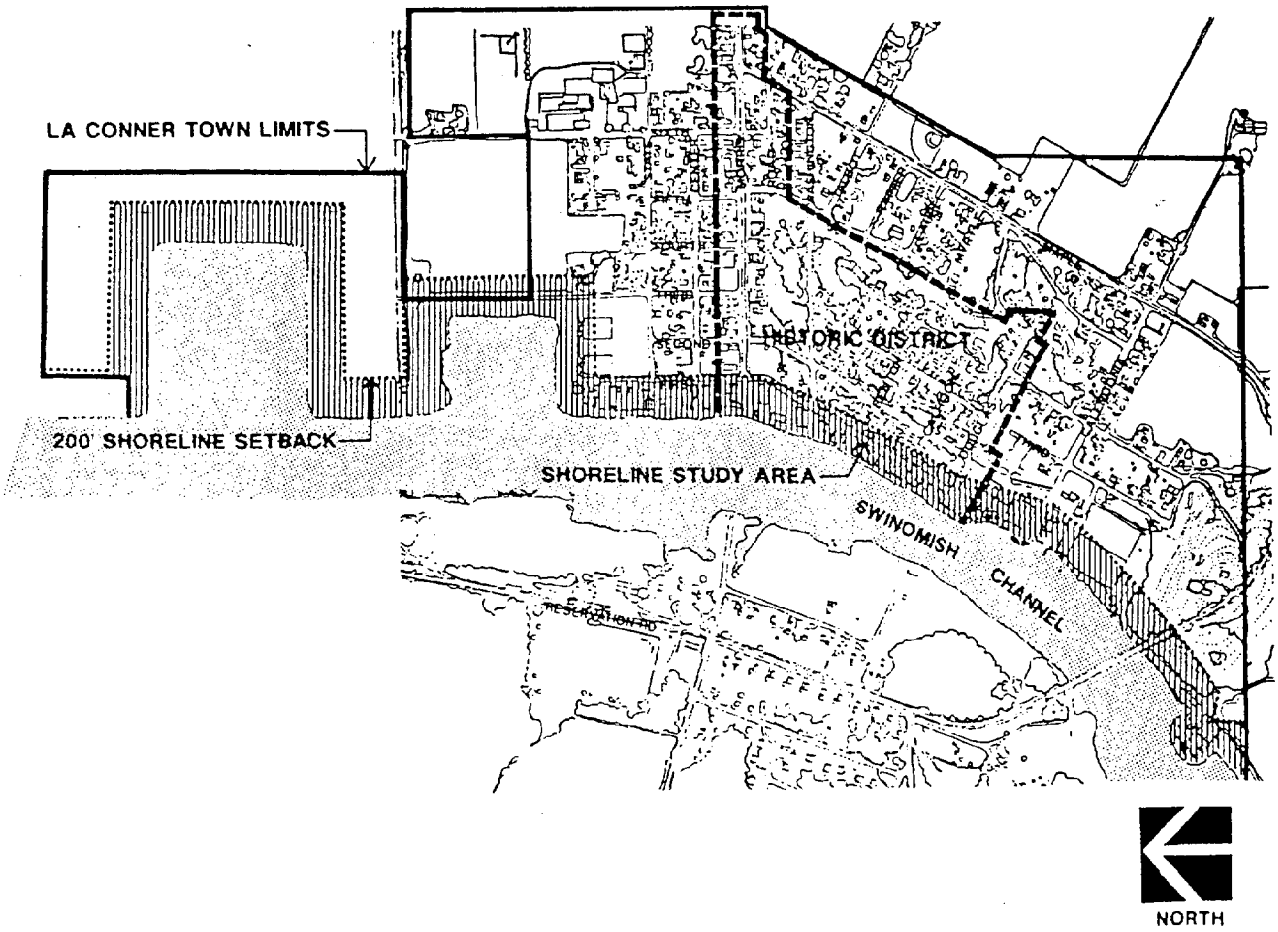
o Promote economic diversity and stability.

II. LOCATION AND BOUNDARIES:

The Town of La Conner is located on the Swinomish Channel in Skagit County. Map 1 illustrates the general location of the Town of La Conner, the Swinomish Channel and major access routes to the town.



Map 2 illustrates the La Conner Town limits, the Shoreline Study area and the boundaries of the La Conner Historic District.

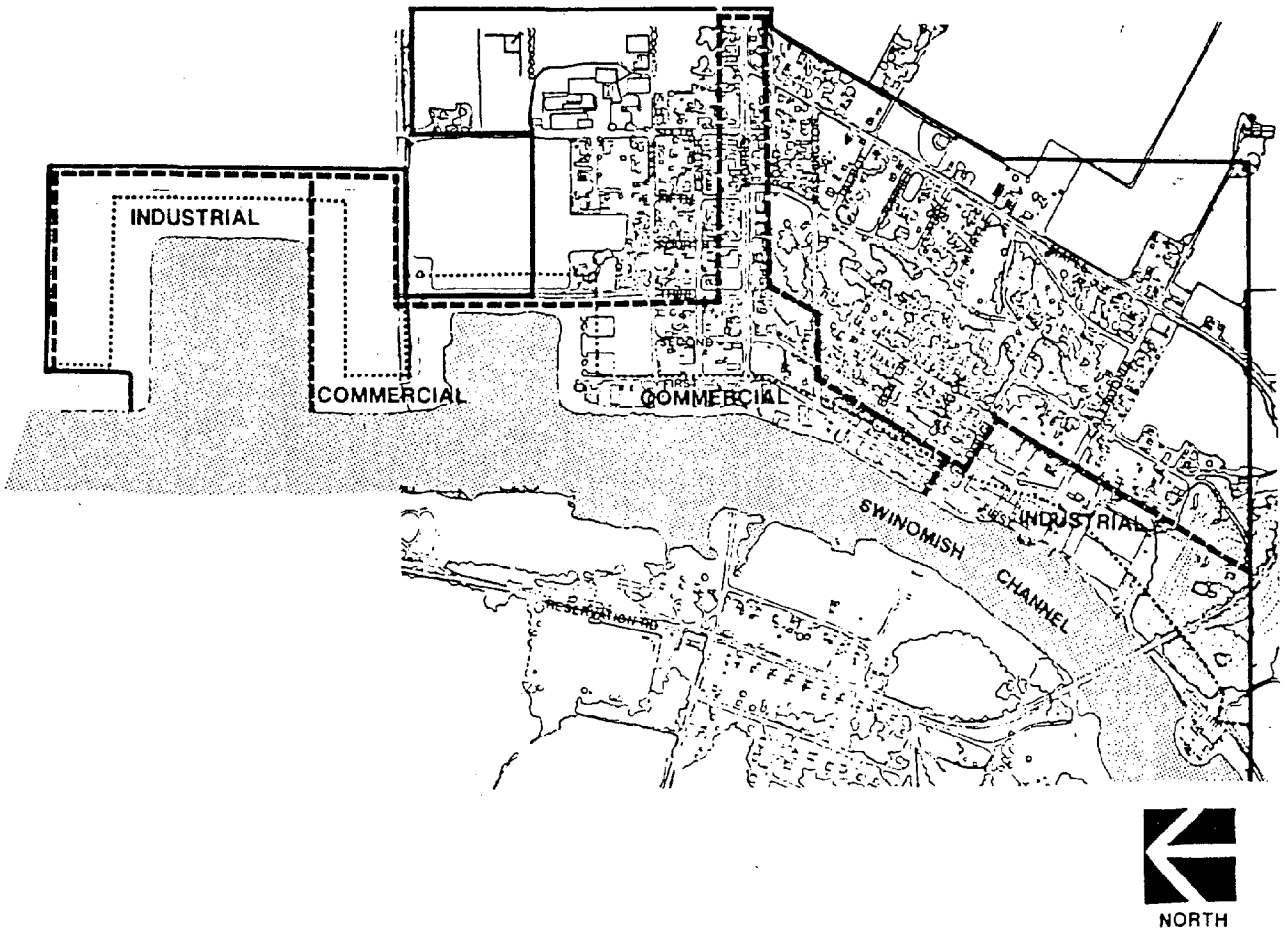


Map 2 - LaConner Town Limits and Historic Area

III. EXISTING CONDITIONS

A. Existing Land Uses:

Map 3 indicates existing land uses within waterfront study area.



Map 3 - Existing Land Uses

Most of the uses within the Historic Area would not be considered water-related or water-dependent. Outside the Historic Area, the waterfront is committed primarily to recreational and industrial uses, some of which are water dependent and/or water related.

B. Existing Public Access

Map 3 notes the location of existing public access points. The following describes each of these locations.

1. Sherman Street End

This area contains a public boat launch, float and trailer parking.

Sherman Street End

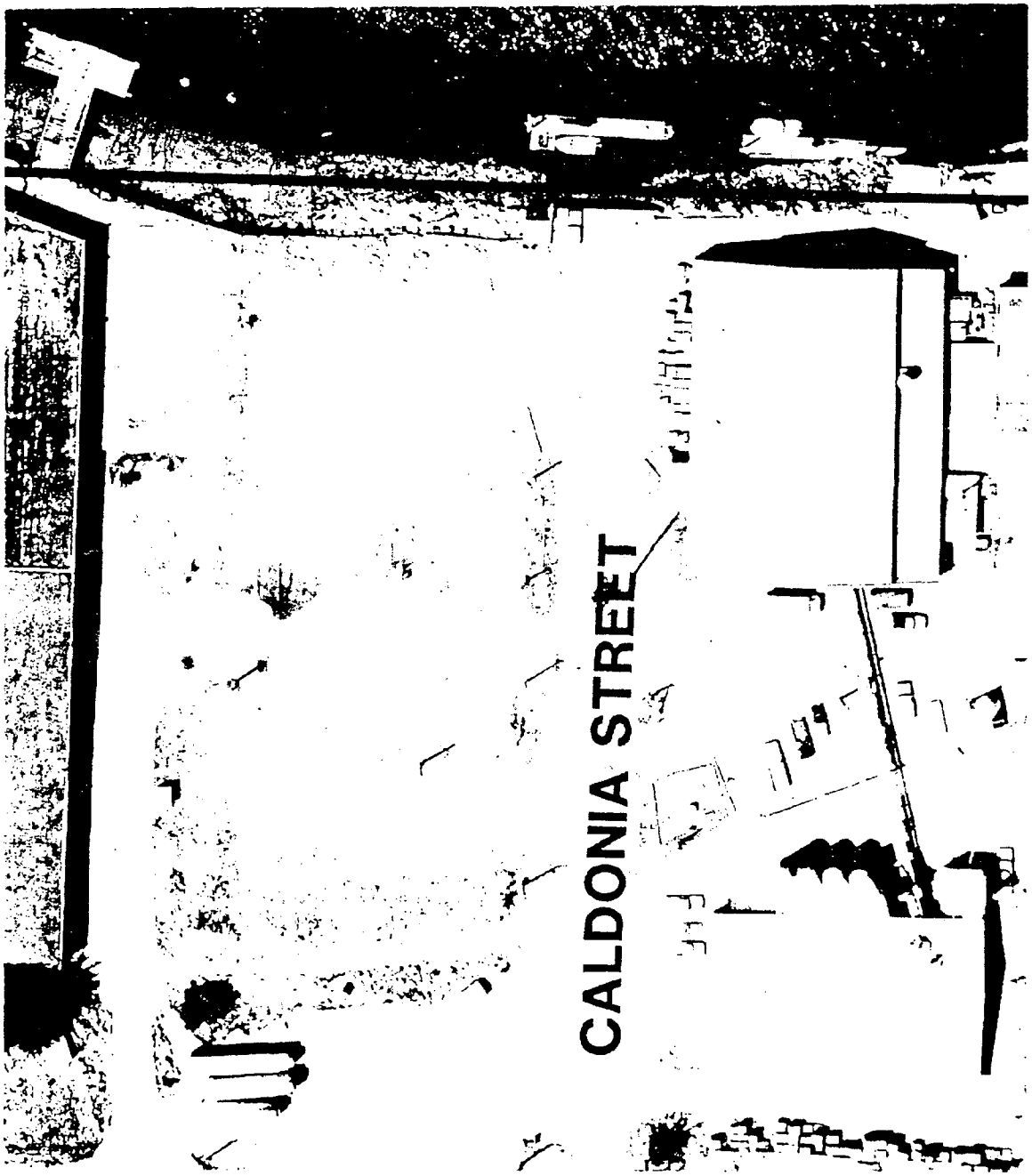
2. Cannery Site

The Town also owns approximately 22 acres which is under a 20 year lease by N. W. Seafoods. At the conclusion of this lease, when the property reverts to the Town, it could be utilized for public access or remain in industrial or commercial use.

Cannery Site

3. Caeldonia Street End

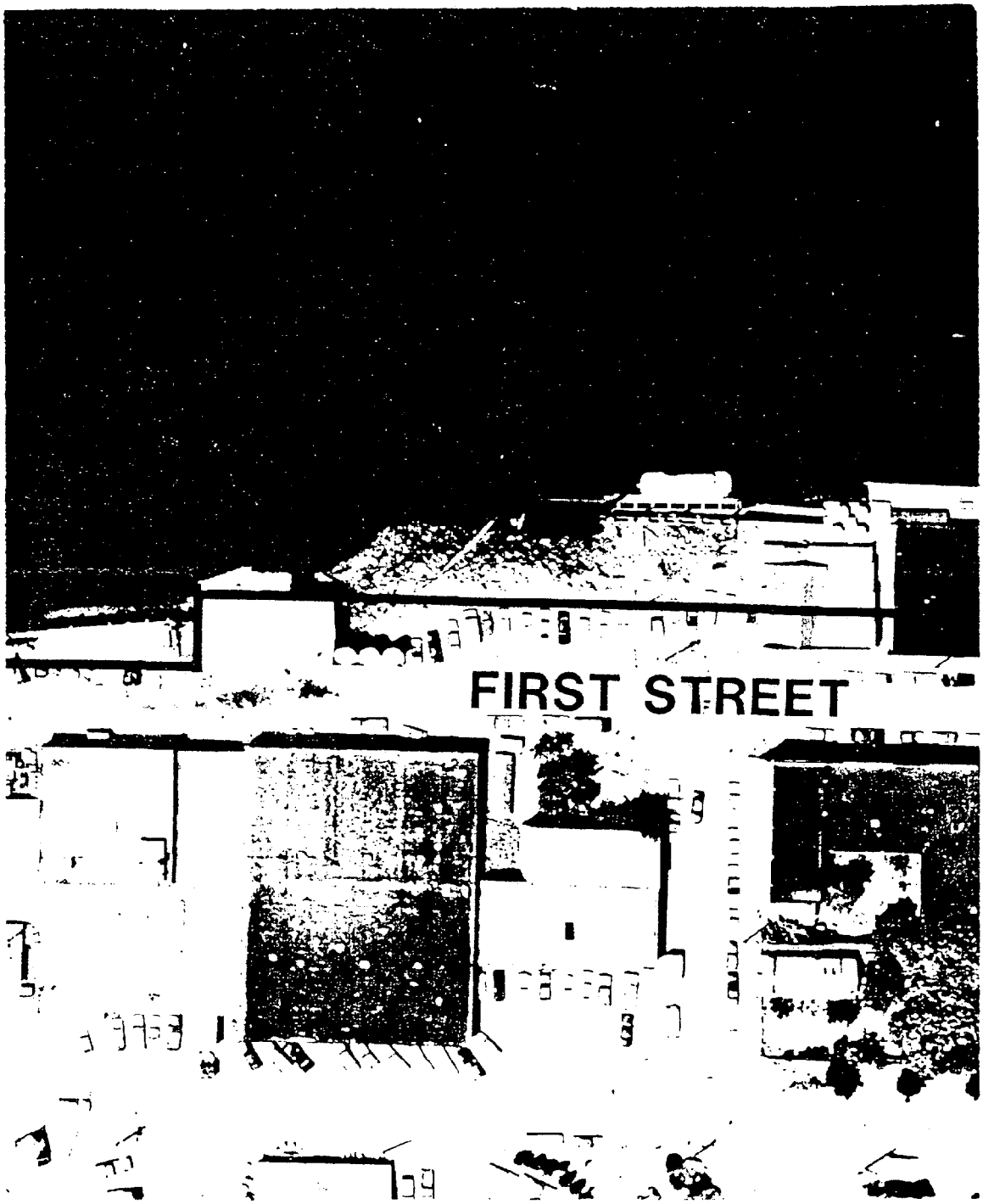
This area contains undeveloped parking and a moorage float with room for about 6 boats. It also provides visual access to the water



Caeldonia Street End

4. Douglas Street

The Town controls approximately 18' from the street end to the Inner Harbor Line. This area has visual access and contains parking and an informal sitting area.



Douglas Street End

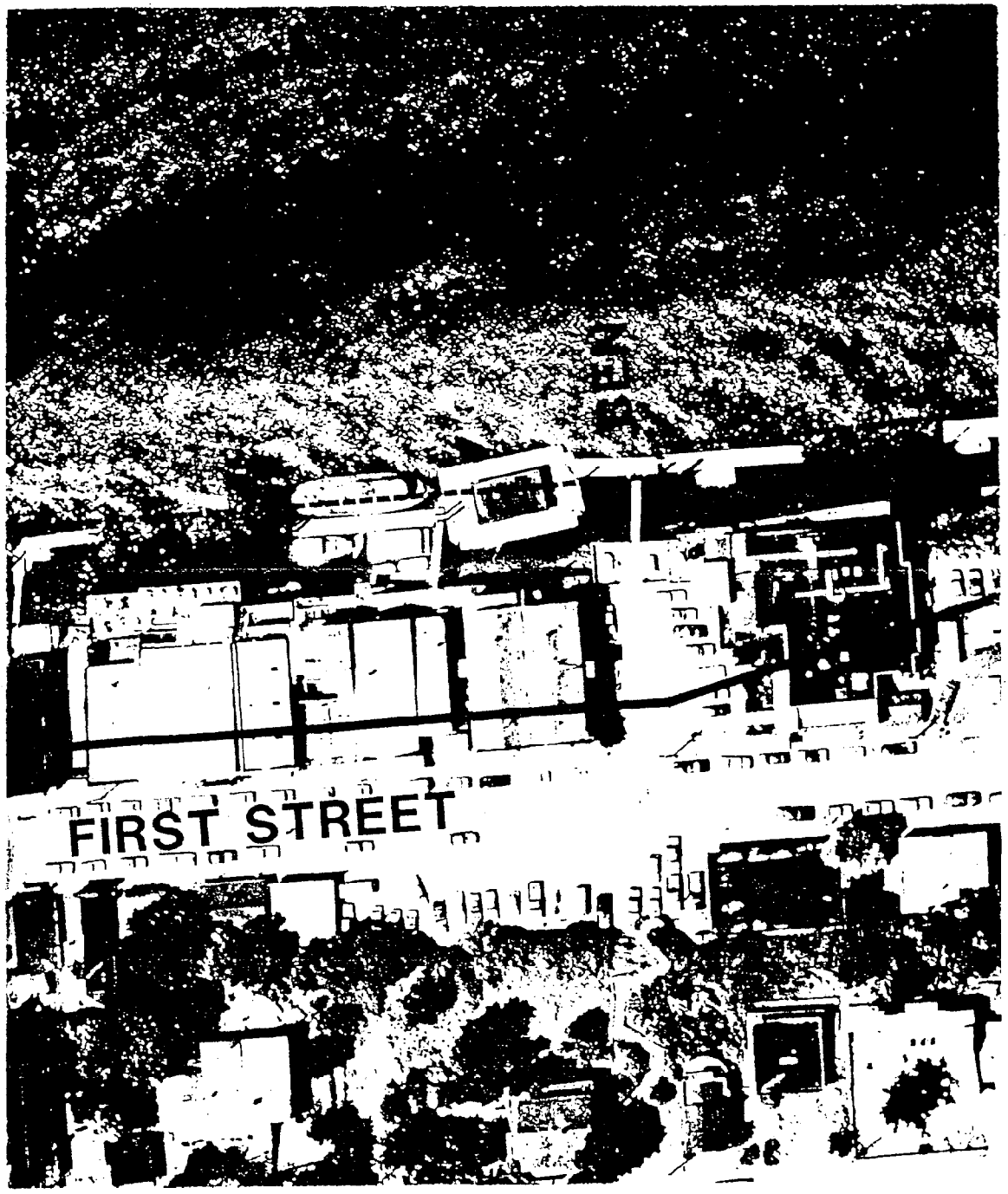
5. Calhoun Street End

This area lies between two existing buildings and is primarily deck over water. It provides visual access to the water and access to an existing moorage float.

Calhoun Street End

6. Benton Street End

This area is primarily deck over water. The site contains benches, limited landscaping and some outdoor commercial services. In addition, it contains a moorage float and provides visual access to the waterfront.



Benton Street End

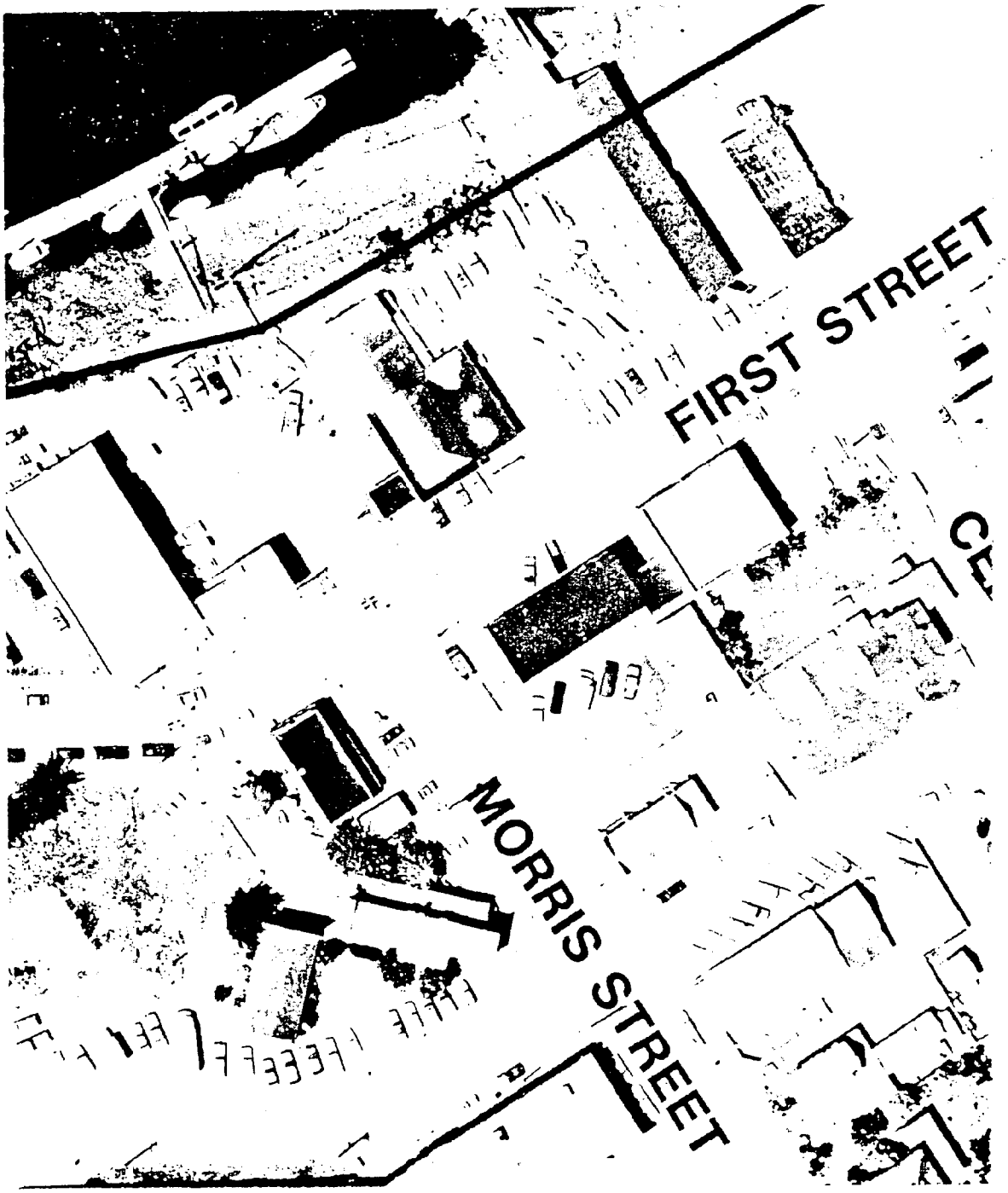
7. Washington Street End

This area contains parking, visual access to the waterfront and a moorage float.

Washington Street End

8. Morris Street End

This area contains parking and a moorage float and provides visual access. In addition, because of its location at the terminus of the major entry into the historic area, it provides an important visual link with the waterfront.



Morris Street End

9. Port of Skagit County Marina

The Port Marina is the most significant waterfront public access point. It provides visitor moorage as well as visual and informal public access along major portions of the waterfront in their control. The exiting marina moorage is public but there is currently a long waiting list for space.

C. La Conner Comprehensive Plan Goals and Policies

The following documents were evaluated regarding their impact on the growth and development of the waterfront:

- o Town of La Conner Comprehensive Plan;
- o Historic Survey and Preservation Ordinance (existing);
- o Historic Survey and Preservation Ordinance (pending);
- o La Conner Urban Design Study;
- o La Conner Zoning Ordinance;
- o Waterfront Study for the Town of La Conner; and
- o La Conner Shoreline Management Master Program.

Following is a discussion of the goals, policies and requirements contained in these documents as they pertain to the La Conner waterfront:

1. La Conner Comprehensive Plan

The Town of La Conner Comprehensive Plan was adopted in November of 1986. The plan contains numerous goals and policies to direct the growth in the waterfront, including:

> *".... Retain La Conner's friendly small town atmosphere, attractive natural setting, and unique cultural heritage."*
>
> *"Make wise use of the natural resources, particularly shorelines and surrounding agricultural lands, while ensuring that natural hazards and limitations are taken into account."*
>
> *"Encourage public input into the decision making process."*
>
> *"Maintain a healthy, balanced and diversified economy."*
>
> *"..... Promote La Conner's Commercial Sector By:*
>
> > *Maintaining for commercial use those areas which are presently zoned or designated commercial.*
> >
> > *Working towards meeting increased parking demands.*
> >
> > *Preventing proliferation of signs.*
> >
> > *Not allowing outdoor vending except where forming an integral part of a permanent sheltered business except community sponsored events ....."*

"..... Promote Industry By:
Encouraging clean industries to locate in La Conner.

Maintaining for industrial use those areas which are presently zoned industrial ....."

"..... Promote Preservation of La Conner's Historical Heritage by:

Facilitating increased awareness of local history.

The Comprehensive plan recognizes the importance of Historic Preservation. The Historic Preservation recommendations contained in the Zoning Ordinance shall govern all additions and modifications to land and buildings located in the La Conner Historic District."

"Aggressively seeking implementation of the La Conner Waterfront Study."

"Pursuing funding sources for implementing historic preservation policies ....."

"..... Manage La Conner's shorelines in keeping with the findings established in the La Conner Shoreline Management Master Program, and ensure consistency of planning efforts between this plan and said Shoreline Management Master Program ....."

"..... Develop available street ends as public access to water viewing and use."

The Comprehensive Plan contains other goals and policies that relate to the entire community that also have a related impact on the waterfront, such as those concerning streets, utilities, parks and recreation~~, etc~~.

2. <u>Historic Preservation Ordinance/s</u>

The existing Historic Preservation Ordinance is in the process of revision. The La Conner Planning Commission has approved a draft of the new ordinance and the Town Council has reviewed the document. Although the document has not received final approval, the goals and policies do not appear to be in dispute. Following are the goals and policies which may impact the shoreline:

has it yet

"It is the purpose of Historic Preservation to preserve the existing historic environment while allowing for change. Consideration of the most valuable features of the past should serve as a basis for the future. It should be the goal of the Town Council and the Planning Commission to:

a. *safeguard our historic legacy*

b. *enrich our cultural identity*

c. *stabilize and strengthen property values*

d. *attract business and residents"*

"..... "Rehabilitation" means the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values.

1. *Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.*

2. *The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.*

3. *Alterations that have no local historical basis and which seek to create an earlier appearance shall be discouraged.*

4. *Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.*

5. *Masonry features as well as masonry surfaces may be important in defining the historic character of the building.*

6. *Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities.*

7. *Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to any project.*

8. *Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions are designed so as not to destroy significant historical designs. Such design should be compatible with the size, scale, color,*

material, and character of the property, neighborhood or environment."

3. La Conner Urban Design Study

In 1974 the University of Washington School of Architecture and Urban Planning completed an urban design study for the Town of La Conner. The study contains recommendations concerning flood control, protection of farm lands, community coordination, erosion control, preservation of natural amenities, coordination with the Swinomish Tribal Council, parks and recreation, control of commercial and industrial expansion, community improvement programs, and image and land use districts. Guidelines were developed for zoning restrictions, scale of buildings, building placement, lot coverage, building restrictions, shape of buildings, site improvements, and architectural details.

The study was never formally adopted by the Town Council although it has been used informally by the Planning Commission, town staff and members of the community.

4. Zoning Ordinance

The current Town of La Conner Zoning Ordinance was adopted in 1982. All the area within the waterfront planning area is zoned either Commercial or Industrial (See **Map 4**). Both of these zones allow a wide variety of nonwater-dependent and nonwater-related uses. In addition, except where the use abuts a residential zone, no setbacks are required.

5. Waterfront Study for the Town of La Conner

The Waterfront study was prepared in February, 1981 by the firm of Mann, Millegan, Morse & Ramsey and adopted by the Town Council. The study presents alternatives for the preservation of the La Conner waterfront due to the potential for instability under the existing structures, many of which were built over the water.

The study proposed three options:

a. Full sheet steel piling bulkheads;

b. Sheet piling at the outer building line with rip-rap protection on all slopes; and

c. same as b. but with partial sheet piling under the decks.

The study recommended the option c. along with building support piling along the waterfront and a float system to provide access to the waterfront and to help control wave action and debris.

Map 4 - La Conner Zoning

Option C. - La Conner Waterfront Study, 1981

6. La Conner' Shoreline Management Master Program

La Conner's existing Shoreline Management Master Program was originally adopted in January, 1977 and was revised in March of 1982. The current Master Program's polices and requirements encourage water-related and water dependent uses for the shoreline and do not specifically allow nonwater-related and nonwater-dependent uses to locate or expand.

VIII

7.a

"Additional over-water construction should be discouraged, except for purposes relating to Historic Preservation, shoreline-dependency or public access."

Proposed changes to the policies and requirements are discussed in the Master Plan and Master Development Program sections of this report.

D. Port Shoreline Plans and Policies

The Port of Skagit County does not have, at this time, an adopted master plan for the Harbor area. The harbor area

manager has indicated that there are informal plans and policies that would encourage water-dependent and water-related industry, compatible with the community, to locate within Port property. The Port currently has an agreement with the Town for the use of a parking area on the south side of the Port. The agreement allows the Port to develop this area if a demand exists.

E. County Shoreline Policies

Goals and Policies relating to the County's shorelines are contained in the Skagit County Shoreline Management Master Program, June 29, 1976. The Master Program goals state:

"1. *Shoreline use - To allow for compatible uses of the shorelines in relationship to the limitations of their physical and environmental characteristics. Such uses should enhance rather than detract from, or adversely impact, the existing shoreline environment.*

2. *Conservation - To preserve, protect, and restore the natural resources of Skagit County's shorelines in the public interest and for future generations. These natural resources include but are not necessarily limited to fish, wildlife, vegetation, and natural features found in shoreline regions. Only renewable resources should be extracted and in a manner that will not adversely affect the shoreline environment.*

3. *Public Access - To provide safe, convenient, properly administered and diversified public access to publicly owned shorelines of Skagit County without infringing upon the personal or property rights of adjacent residents. Such access should not have an adverse impact on the environment.*

4. *Circulation - To permit safe, adequate, and diversified transportation systems that are compatible with the shorelines, resulting in minimum disruptions to the shoreline environment.*

5. *Economic development - To promote and encourage the optimum use of existing industrial and economic areas for users who are shoreline dependent and shoreline related and can harmoniously coexist with the natural and human environments; and, subsequently, to create similar areas as need arises with minimum disruption of the shorelines.*

6. *Recreation - To encourage the provision and improvement of private and public recreation along the shorelines of Skagit County only to the extent that the environment is not impaired or degraded.*

7. *Historical/Cultural/Educational - To identify, protect, and restore those shoreline areas and facilities that are of historical, cultural, or educational value. Public or private organizations should be encouraged to provide public access and protection of such areas and facilities.*

8. *Restoration and enhancement - To restore and enhance those shorelines areas and facilities that are presently unsuitable for public or private access and use.*

9. *Implementation process - Provide an efficient system for shoreline permit applications which would eliminate unnecessary duplication of effort or jurisdictional conflicts, yet assure complete coordination and review.*

   Provide a process to periodically update the inventory, goals, policies, and regulations to achieve responsiveness to changing attitudes and conditions."

The Skagit County Master Program contains policies and objectives that support these general goal statements.

F. State Shoreline Policies

The Washington State Department of Ecology recently published ~~the~~ a policy analysis study entitled the Urban Waterfront Policy Analysis, June 1986; Makers/CH²M-Hill/Hall. The purpose of this study is to:

> *"..... review and evaluate the Department of Ecology policy regarding urban waterfront issues and to provide recommendations to assist in master program development and project review efforts ....."*.

The above report is divided into six sections:

- o Definition of water-dependency and water-relatedness;
- o Comprehensive waterfront planning;
- o Master program use requirements;
- o Master program public access standards
- o Master program design standards; and
- o Master program mixed-use provisions.

Because of the importance of these goals, policies and standards to waterfront planning in the Town of La Conner, each of the above sections are discussed below:

15

1. Definitions of Water-dependency and Water-relatedness

The Waterfront Policy Analysis indicates that:

> *"Clear, consistent definitions for water-dependent uses and water-related uses are critical for shoreline management .....".*

The waterfront policy analysis goes on to define "water-dependent" (using the Shorelines Hearings Board (SHB) definition, Yount and Department of Ecology and Attorney General v. Snohomish County and Hayes, SHB #108.) as:

> *"A water-dependent commerce or industry, to which priority should be given, is one which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations ....".*

The study notes use classifications that, under usual conditions, should be defined as "water-dependent":

- o Cargo terminals;
- o Ferry and passenger terminals;
- o Barge loading;
- o Ship building, repair, servicing, and dry docking;
- o Aquaculture;
- o Float plane sheds;
- o Tugboat services;
- o Log booming;
- o Towboat operations;
- o Marinas; and
- o Sewer outfalls.

As noted previously, much of the existing land uses in La Conner do not currently meet the definition of "water-dependent", particularly in the Historical Area.

The waterfront policy analysis also uses the SHB definition to define "water-relatedness":

> *"A water related industry or commerce is one which is not intrinsically dependent on a waterfront location but whose operation cannot occur economically without a shoreline location ....".*

Again, much of the existing land use in La Conner, particularly within the Historic area, would not meet the definition of "water-related".

Chapter 173-16 WAC, Shoreline Management Act Guidelines for Development of Master Programs, Section 060-4(a) states:

> *"priority should be given to those commercial developments which are particularly dependent upon a waterfront location and/or use of the shorelines of the state and other development that will provide and opportunity for substantial number of people to enjoy the shoreline"*

The waterfront policy analysis defines the term "to enjoy the shoreline" as "water-enjoyment" uses. The waterfront policy analysis goes on to establish criteria for allowing "water-enjoyment" uses:

"Thus, master program requirements for allowing "water-enjoyment" uses should specify the conditions by which a use is considered water-enjoyment such as:

1. The use is open to the general public <u>and</u>

2. The use provides water access as called for in the jurisdiction's water access plan <u>and</u> the use has at least one of the three characteristics below:

indented

a. *3. The use offers a view of waterfront activities <u>or</u>*

b. *4. The design makes use of a unique characteristic of the site <u>or</u>*

c. *5. The use supports other proximate water-dependent, water-related or water-enjoyment activities.*

The criteria by which a use is judged a water-enjoyment use should be specified within the local master program and can vary from jurisdiction to jurisdiction to respond to local conditions ....."

Of particular importance is the fact that, within the La Conner Historic Area, virtually none of the uses listed as water-dependent or water-related would be compatible with the existing historic structures. Uses definable as water-enjoyment may be compatible with the existing historic structures.

2. <u>Comprehensive Waterfront Planning</u>

WAC-173-16-040(3) requires that master programs include the following land and water use elements:

- o Economic Development
- o Public Access
- o Circulation
- o Recreation
- o Shoreline Use
- o Conservation
- o Historical/Cultural
- o Restoration/Rehabilitation

The waterfront policy analysis also suggests the following basic steps in Comprehensive Waterfront Planning:

PROJECT COMPLETION REPORT

TOWN OF LA CONNER SHORELINE MASTER PLAN

AND MASTER PROGRAM UPDATE

SUMMARY

The project did not get underway until October 1987, the time being utilized to get contracts and interlocal agreements signed between the County, the Town of La Conner and the consultant, Wilsey and Ham. The Town of La Conner appointed several interested citizens to its committee to guide the consultant in the preparation of a Master Plan for the La Conner waterfront.

The steering committee held several meetings to discuss policy issues in general and proposed shoreline uses and designations and relevant policies for each designation. The consultant used the information, in conjunction with the Urban Waterfront Policy Analysis document prepared by Ecology, to develop a draft Shoreline Master Plan.

The draft Master Plan was circulated to the County and the Town of La Conner in late April. Those comments were recently returned to the consultant for changes and corrections. A copy of the draft Master Plan is included. When it is completed in its final form, five copies will be submitted to Ecology, in accordance with the grant agreement.

A draft shoreline ordinance (Master Program) was also submitted to the Town and the County for review. Several substantial changes will need to be made to bring the proposed ordinance into compliance with current state shoreline regulations. The County is in the process of rewriting the ordinance.

Tasks One, Two, Three and Four have been completed. Prior to implementation (Task Four), changes are being made, as anticipated in the grant agreement. As soon as the changes to the Master Program have been completed, public meetings and hearings will be held. It is our hope that the proposals will ultimately be adopted by the Town Council.

REPORTS, MAPS, PLANS, ETC.

Reports prepared as a part of this grant project include the La Conner Shoreline Master Plan (draft) and the La Conner Shoreline Management Master Program (draft). Several maps and diagrams were prepared and are a part of the Master Plan.

ABSTRACT

TITLE:	La Conner Shoreline Master Plan and Management Master Program
AUTHORS:	Town of La Conner Steering Committee Skagit County Planning Wilsey and Ham
SUBJECT:	A master plan for the shoreline areas of the Town of La Conner, creating new shoreline designations and use regulations based on information contained in the publication, Urban Waterfront Policy Analysis. Implementing regulations based on the Master Plan are contained in the new shoreline ordinance (Shoreline Management Master Program).
DATE:	June 1988
COPIES:	Upon completion, copies will be available from the Town of La Conner.
PROJECT NUMBER:	Grant number G0088034
SERIES NUMBER:	Unknown
PAGES:	58 and 16

SUMMARY

The La Conner Shoreline Master Plan is being developed in response to conflicts arising from language within the existing Shoreline Master Program for La Conner. The definitions of shoreline dependent and shoreline related uses and the accompanying restrictive language in the Master Program prohibits development within the shoreline that is not shoreline dependent. Restaurants, hotels and other tourist oriented commercial uses would not be permitted in shoreline areas. Because of the nature of the development in La Conner, it seems unreasonable to place such restrictions on proposed new development. In order to amend the Master Program, it was determined that a comprehensive master plan must be developed for the shoreline area of La Conner. From the comprehensive plan, implementing regulations (Master Program) are being developed.

Proposed new shoreline area designations include Urban-Historical, Urban-Mixed Use and Urban-Commercial. The shoreline areas have been delineated as Aquatic, Waterfront and Upland. It is the intent of the authors for the Master Plan to lay the necessary groundwork for the proposed amendments to

the Master Program. The proposed amendments will include revisions necessary to reflect changes in state shoreline regulations as well as those resulting from the Master Plan.

- Inventory
- Locational requirements
- Suitability analysis
- Shoreline objectives and potentials
- Waterfront development/management strategy

The Goals and Objectives and Master Plan Sections that follow incorporate these elements and basic steps.

3. Master Program Use Requirements

The waterfront policy analysis indicates a growing desire among cities, counties, towns, developers, water-dependent industries and the general public to have more flexibility in waterfront planning, particularly in the addition of nonwater-dependent uses:

> *"..... One of the general policy direction recommendations resulting from the Urban Shoreline Workshop is that the Department of Ecology should consider allowing a greater range of nonwater-dependent uses in master program use requirements for urban shorelines providing that:*
>
> *a. There is a clear rationale for increasing the amount of nonwater-dependent uses based on a "comprehensive waterfront plan" and,*
>
> *b. The master programs are specific about where, and under what conditions, those uses would be allowed."*

In refining master program use requirements the waterfront policy analysis: Stated:

> *".... Three techniques have emerged as useful ways to add specificity to master program use requirements:*
>
> *1. Using a greater number of specific shoreline designations or sub classifications.*
>
> *2. Using "longitudinal shoreline sub-areas".*
>
> *3. Setting specific conditions or requirements on conditional and accessory uses ....".*

Item 2 is of particular interest due to the separation of the shoreline area by First Street. This could allow the east side of First Street to be classified differently, providing more flexibility.

"..... it is a tool that can provide the degree of specificity to deal with almost any situation differentiating between aquatic areas, shoreline lots and upland lots could also prove a useful distinction in setting building height and bulk standards.

Sub-areas are defined in the waterfront policy analysis as:

- o Aquatic - Landfill or over water construction.
- o Waterfront - Shoreward of an existing Right-of-way.
- o Upland - Upland from an existing Right-of-way but within the 200' shoreline setback area.

The State waterfront policy analysis, based on Workshop discussions (See Table 1), also recommends use policies for each Sub-area.

The waterfront policy analysis does provide for nonwater-dependent uses in existing structures:

"Because there are a limited number of over-water structures and because many of them add a good deal of historical or design character to the state's waterfronts, it is reasonable to allow a greater range of uses in them, providing they are rehabilitated to standards prescribed or referred to in the local master program. This recommendation is consistent with the DNR policy guidelines for uses in existing structures."

This is also of particular importance to La Conner. Many of the nonwater-dependent commercial uses are presently in existing structures built on piling over water. As noted, water-related and water-dependent uses, as defined in the Urban Waterfront Policy Analysis, would not be compatible, in most instances, with these existing structures.

The waterfront policy analysis states that:

"A principal finding of the workshop is that a comprehensive access plan is a critical tool in achieving public access objectives ....."

The waterfront policy analysis goes on to state that a successful public access plan should ideally contain the following elements:

1. Relation of routes to transportation systems;
2. Relation of pathways to land uses and development;
3. The various access requirements for each district, (i.e., where required, where substitution for water-dependent

TABLE 1
LONGITUDINAL SUB-AREA RECOMMENDED POLICY [1]

OFFICES	
Aquatic (Land fill or over-water construction)	Permitted only in existing structures and then not at ground floor.
Waterfront Lots	Permitted only where adjacent to major business areas (CBD's) and not at ground floor (grade level). Public access and view access should be a requirement. Height and bulk should be restricted to prevent view blockage.
Upland Lots	Permitted where consistent with comprehensive waterfront plan.
RETAIL/RESTAURANT	
Aquatic	Permitted only in existing structures.
Waterfront Lots	Permitted only where adjacent to central business district, major retail area, or other area identified in the comprehensive waterfront plan.
Upland Lots	Permitted in areas identified or consistent with comprehensive waterfront plans.
HOTELS	
Aquatic	Not permitted in new construction. Possibly in existing structures providing public access is provided.
Waterfront Lots	Permitted only adjacent to CBD or in other areas or zones identified in the comprehensive waterfront plan. Public shoreline access should be a requirement for hotels, height and view blockage requirements are necessary.
Upland Lots	Permitted in zones consistent with the comprehensive waterfront plan.

1. Urban Waterfront Policy Analysis, June, 1986.

uses can occur, where unnecessary, types of access required, etc.);

4. Identification of special opportunities;

5. Relation to recreational facilities, parks, etc.;

6. Design and signage standards;

7. Public/private implementation strategy;

8. Safety criteria;

9. Standards for private development; and

10. Standards for providing residential privacy.

5. Master Program Design Standards

The State Shoreline Management Act and supporting WAC chapters that address design standards primarily deal with view blockage. La Conner, because of a high bluff to the east does not have a significant problem related to view blockage for a major portion of the waterfront. In limited locations to the north and south, some view blockage concerns may occur and are addressed in later sections of this plan.

The waterfront policy analysis also indicates that design standards can be flexible if specific performance criteria has been established in the Master Program and modifications to the standards meet the objectives of the comprehensive waterfront plan.

6. Master Program Provisions for Mixed-use Developments.

The waterfront policy analysis defines mixed-use projects:

> *".... shoreline developments which combine more than one separate but related activity into a coordinated package."*

The waterfront policy analysis goes on to state that:

> *"..... [Mixed use] Activities usually include one or more water dependent use(s) such as marinas, docks, ship terminals, boat services, etc. with non-water dependent uses such as restaurants, retail shops, offices, hotels, etc.."*

The waterfront policy analysis indicates that mixed-use projects can be beneficial because, in many instances, non-revenue recreation uses and water-dependent uses are "subsidized" by economically viable nonwater-dependent uses.

The waterfront policy analysis suggests that:

> *"..... mixed-use projects offer exciting possibilities for revitalizing urban waterfronts, promoting water-dependent activities and public access and achieving the objectives of the Shoreline Management Act."*

The waterfront policy analysis suggests that the following three elements be contained in any master program mixed-use provision:

1. A set of public objectives describing the type of benefits that the city or locale expects to achieve in any mixed-use project.

2. A set of "bottom line" minimum standards which must be met by any development proposal. These standards would serve to define the lowest level of acceptability for proposals and it should be expected that proposals would provide elements that improve on these requirements and respond to potentials of the situation.

3. A process for reviewing and reaching a local decision on the acceptability of mixed-use proposals.

The Policy and Master plan sections contained in this document address these requirements.

The State Urban Waterfront Policy Analysis is a guideline and the State Shoreline Management Act is the legal standard for compliance. The document does make recommendations that would allow the flexibility needed by small, historical waterfront communities.

G. <u>Federal Shoreline Policies and Regulations</u>

The Corps of Engineers has primary responsibility for protecting all water ways, shorelines and wetlands. Other federal agencies, such as the Environmental Protection Agency, U.S. Fish and Wildlife Service, National Oceanic and Atmospheric Administration, and the U.S. Coast Guard all have interest in the shoreline environment. NMFS

The general policies of these agencies are not significantly different than the policies of the state. Namely, to protect valuable aquatic resources and to promote and protect maritime trade and industry.

The Corps of Engineers has permit jurisdiction over any construction in a defined wetland or beyond the line of Mean Higher or High Water. This requirement is in addition to any shoreline requirements imposed by the shoreline master program. ?

It is assumed, for the purpose of this analysis, that Federal policies and permit requirements are consistent with the State Shoreline Management Act and would not be in conflict with the goals, policies, objectives and regulations established by the Town of La Conner in conformance with State requirements.

H. Traffic and Parking

Traffic and parking are two of the most difficult, and controversial, issues facing the Town of La Conner. During many week-ends, particularly during peak summer periods, parking spills over into residential areas and traffic is congested along Washington Street and First Street. Most of the traffic during the peak summer periods is from tourists who are coming from surrounding Cities and Counties. During non-peak summer periods, much of the traffic is from Skagit County residents who prefer to shop in La Conner.

There also appear to be a large number of employees who park on the streets close to their place of work. During an informal count on one week-day, it appeared that as much as 50% of the total parking was being used by employees.

Parking is the primary shoreline issue. Existing parking within the shoreline area is indicated on **Map 5**. It should be noted that much of this existing parking is located on existing streets. The largest single off-street parking area is located at the Marina and is owned and controlled by the Port of Skagit County. The Town has an agreement with the Port for the use of this space until required for development. Smaller off-street parking areas are located on both sides of First Street, both over water and on vacant street-ends.

I. Visual and Aesthetics

La Conner has retained a unique historical character. Many of the original waterfront structures remain substantially unaltered. New construction, with few exceptions, has been sensitive to the character of the community. The unique feeling within the waterfront area is that this is "real". There is not the feeling, as with some "historical" communities, that the town has been reshaped into a particular image. There is clearly no "theme".

A large part of the waterfront is visually blocked by existing buildings. Views of the waterfront are available at the street ends and from the higher areas above First Street. Within the industrial area to the south, the view of the waterfront is partially blocked by existing industrial buildings (See **Map 6**).

Map 5 - Existing Parking

Map 6 - Visual Analysis

J. Water Quality, Water Depth and Wave Protection

The Swinomish Channel is a man-made channel maintained by the Corps of Engineers. The following briefly outlines the major characteristics of this water body:

1. Water Quality

There appear to be four major contributors to water quality impacts in the Swinomish Channel:

- o Surface water runoff;
- o Sanitary sewer outfall;
- o Boats using the Channel; and
- o Periodic dredging by the Corps of Engineers.

Surface water runoff comes from the developed areas along the channel and from the agricultural lands surrounding the town. Surface water pollution comes from agricultural products (pesticides, herbicides, fertilizers, etc.) which are drained into the channel at a point between the north and south basins of the Port of Skagit Marina; from parking areas and streets (oil, gas, heavy metals, etc.), and from existing industries adjacent to the shoreline.

There is an existing 36 inch sanitary sewer treatment plant outfall extending into the channel from Morris Street.

Most boats using the channel are required to have holding tanks although, as a practical matter, waste water discharge does occur. Bottom paint from boats creates pollution. oil, fuel, too

The Corps of Engineers performs periodic maintenance of the channel by dredging. During these periods, silt from the dredging operation impacts water quality.

The Washington State Department of Ecology has classified the Swinomish Channel as "Class A" waters. Table 2 indicates the water quality standards for Class A waters.

2. Water Depth

Water depth in the channel averages from 14 feet MLLW to 18 feet MLLW. The channel depth is maintained by the Corps of Engineers through periodic dredging. Because of this, the shoreline on the La Conner side of the channel is primarily steep bank, bulkhead or riprap. The water depth maintained by the Corps of Engineers is designed to not impact the stability of the shoreline. Because of existing depth, large or deep-draft boats cannot use the channel.

TABLE 2
WATER QUALITY STANDARDS FOR
CLASS A WATERS IN WASHINGTON STATE(1)

Parameter	Marine Water Criteria
Dissolved Oxygen	Shall exceed 6.00 mg/L or changes less than or equal to 0.2 mg/l.
Temperature	Shall not exceed 16.0°C. When natural conditions exceed 16.0°C. no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3°C.
pH	pH between 7.0 and 8.5
Turbidity	Shall not exceed 5 NTU units over background turbidity.
Fecal coliform	Shall not exceed a geometric mean value of 14 organisms/100 ml with not more than 10 percent of samples exceeding 43 organisms/100 ml.
Dissolved gases	Total dissolved gas shall not exceed 110 percent of saturation at any point on sample collection
Toxic, radioactive or deleterious material	Concentrations shall be below those which adversely affect public health during characteristic uses, or which may cause acute or chronic toxic conditions to the aquatic biota, or which may adversely affect characteristic water uses.
Aesthetic values	Shall not be interfered with by the presence of obnoxious wastes, slimes, aquatic growths, or materials which will taint the flesh of edible species.

(1) WAC 173-201-045, 6/2/82

3. Wave Protection

The water flows in the Swinomish Channel reverse with the tides. Currents are typically 3 to 4 feet per second. These tidal flows create erosion along the shoreline and, during periods of wind and high tide, there has been flooding of parking areas along First Street.

Other major erosion factors include:

1. The wakes of boats using the channel;

2. The soil types along the shoreline;

3. Pile deterioration due to marine organisms;

4. Increased water depth from dredging; and

5. Debris impacting existing support structures.

In February, 1981 the firm of Mann, Millegan Morse & Ramsey prepared a waterfront study to address these issues. They recommended that wave protection be accomplished through the use of sheet piling at the outer building lines with rip-rap protection on all slopes. The total estimated cost of this work in 1981 dollars was $760,000. To date, this work has not been completed.

IV. LOCATIONAL REQUIREMENTS

Table 3 indicates the locational requirements of water-dependent and water-related uses in the Town of La Conner.

TABLE 3
LOCATIONAL REQUIREMENTS OF
WATER-DEPENDENT AND WATER-RELATED USES
IN THE TOWN OF LA CONNER

CARGO TERMINALS	
Pier Depth	25' to 55'
Land Area	8 to 100 Acres
Wave Protection	Not Required
Access	Truck/Rail
Land Requirements	Dry and Level
Residential Compatibility	Low
Tourist Compatibility	Low
Parking Requirements	Moderate
Ability to Attract	Low
TUG AND BARGE TERMINAL	
Pier Depth	25'
Land Area	1 Acre Minimum
Wave Protection	Required
Access	Truck
Land Requirements	Dry and Submerged
Residential Compatibility	Low
Tourist Compatibility	Low
Parking Requirements	Moderate
Ability to Attract	Low
COMMERCIAL BOAT BUILDING AND REPAIR	
Pier Depth	20'to 50'
Land Area	2 to 6 Acres
Wave Protection	Required
Access	Truck
Land Requirements	Dry and Submerged
Residential Compatibility	Low
Tourist Compatibility	Low to Moderate
Parking Requirements	Moderate
Ability to Attract	Moderate
FISH PROCESSING	
Pier Depth	20' to 50'
Land Area	.25 to 12 Acres
Wave Protection	Limited Required
Access	Truck
Land Requirements	Dry and Submerged
Residential Compatibility	Low
Tourist Compatibility	Low
Parking Requirements	Low to Moderate
Ability to Attract	Low to Moderate

TABLE 3 - CONTINUED

LOCATIONAL REQUIREMENTS OF
WATER-DEPENDENT AND WATER-RELATED USES
IN THE TOWN OF LA CONNER

WATER-RELATED MANUFACTURING	
Pier Depth	20'to 30'
Land Area	2 to 10 Acres
Wave Protection	Not Required
Access	Truck/Rail
Land Requirements	Dry and Level
Residential Compatibility	Low
Tourist Compatibility	Low
Parking Requirements	Moderate to High
Ability to Attract	Moderate
RECREATIONAL BOATING AND SERVICES	
Pier Depth	10'
Land Area	.5 to 1 Acre
Wave Protection	Required
Access	Auto/Truck
Land Requirements	Dry and Submerged
Residential Compatibility	Moderate to High
Tourist Compatibility	High
Parking Requirements	Moderate to High
Ability to Attract	Moderate to High

Source: Urban Waterfront Policy Analysis, Washington State Department of Ecology, June 1986.
Wilsey and Ham, January 1988.

It should be noted that some of the major water-dependent uses are not supportive of tourism and residential uses.

Another consideration is that many typical larger water-dependent and water-related industries may not believe that the Town of La Conner is a suitable place to locate due to:

1. Lack of an adequate labor supply;

2. Lack of major freeway access;

3. Lack of community services

4. Inability of the Channel to handle large ships or barges.

Smaller water-dependent and water-related uses, such as boat building and repair, barge docks and boat ramps, could locate in La Conner.

V. SUITABILITY ANALYSIS

The existing Shoreline Management Program divides the waterfront into two zones; Urban and Historical. Both of these zones allow a wide variety of urban uses. Based on existing land uses and the above suitability analysis, the shoreline has been designated into three basic zones: Urban - Historic; Urban - Mixed Use; and Urban - Commercial. Each of these zones have been further subdivided into sub-areas to more accurately reflect its suitability for specific uses. Table 4 describes each of the basic classifications and sub-areas.

TABLE 4
AREA CLASSIFICATIONS

1. Urban - Historical: This corresponds to the area designated as historical in the La Conner Historic Preservation Ordinance.

   A. Aquatic - The area lying seaward of the line of MHHW, not currently covered by buildings.

   B. Waterfront - The area lying between the Aquatic area and First Street.

   C. Upland - The area (including the right of way of First Street) lying between the Waterfront area and the 200' shoreline boundary.

2. Urban - Mixed Use: This classification includes the area north of Morris Street to the Marina.

   A. Aquatic - The area lying seaward of the line of MHHW.

   B. Waterfront - The area lying between the Aquatic area and First Street.

   C. Upland - The area (including the right of way of First Street) lying between the Waterfront area and the 200' shoreline boundary.

3. Urban - Commercial: This classification includes the area south of Commerical Street and the Port of Skagit Marina.

   A. Aquatic - The area lying seaward of the line of MHHW.

   B. Waterfront - The area lying between the Aquatic area and First Street or any right of way.

   C. Upland - The area (including any right of ways) lying between the Waterfront area and the 200' shoreline boundary.

Table 5 Indicates the suitability of water-dependent uses in each classification and sub-area.

TABLE 5
SUITABILITY OF SHORELINE AREAS FOR
WATER-DEPENDENT USES

	Urban Historical			Urban Mixed-Use			Urban Commercial		
	AQ	WF	UP	AQ	WF	UP	AQ	WF	UP
Cargo Terminal	U	U	U	U	U	SL	HS	HS	HS
Tug and Barge Terminal	U	U	U	U	U	U	HS	HS	HS
Commercial Boat Building	U	U	U	U	SL	SL	HS	HS	HS
Fish Processing	U	U	U	U	U	U	SL	SL	SL
Water Related Manufacturing	U	U	U	SL	SL	SL	HS	HS	HS
Recreational and Boating Services	U	SL	SL	SL	SL	SL	HS	HS	HS

HS - Highly Suitable
S - Suitable
SL - Suitable with Limitations
U - Unsuitable

AQ - Aquatic
WF - Waterfront
UP - Upland

Source: Wilsey & Ham, 1987

Following is a more detailed discussion of the suitability of water-dependent and water-related uses for each classification and sub-area:

1. Urban - Historical

The Urban - Historical area is almost fully developed. It is presently listed on the National Register of Historic Places and is controlled by the La Conner Historic Preservation Ordinance. Water-dependent and water-related uses which would change the character of the existing structures would have a significant negative impact on the community.

A. Aquatic Sub-area: This is the area generally over water, not covered by pile supported buildings. Water dependent uses such as recreational boat moorage, fishing floats and docks would be appropriate for this location. Public access would also be suitable for this area.

B. Waterfront: This area is almost entirely covered with buildings or decks supported by piling. Water-dependent uses which would change the character of the buildings would not be suitable. Water-related uses, including public access, may be suitable in limited locations.

C. Upland: The upland area currently consists of both historical and non-historical buildings and parking. Because of the separation of First Street, the Upland area has little direct impact on the waterfront. Water-dependent uses would not be suitable and water-related uses, other than support parking, would have only limited suitability.

2. Urban - Mixed Use

This area lies between the historic commercial area and the La Conner Marina. Water-dependent uses could locate in this area but may create visual impacts. Water-dependent uses, other than recreation boat moorage, would ~~also~~ not support the tourist industry presently existing in the historic area.

A. Aquatic: This area would be suitable for water-dependent uses such as boat moorage and dockage. Significant usage could impact the use of the channel as a major waterway.

B. Waterfront: This would be suitable for water-dependent and water-related uses which do not have significant visual impacts and support the historic business area.

C. Upland: Because of the division of First Street, water-dependent uses would not be suitable and water-related uses, other than support parking, would have only limited suitability. and other accessory uses,

3. Urban - Commercial

The Urban - Commercial classification is basically broken into two areas; the existing Port of Skagit marina to the north of the historic area and the more industrial area to the south of the historic area. Both of these areas would be suitable for a variety of water-related and water-dependent uses.

A. Aquatic: Within the marina, this area is already utilized for water-dependent uses. Additional water-dependent uses such as boat haul-out, moorage, dry docks, launch ramps, barge docks, etc., would be suitable. Within the area to the south, water-dependent uses, such as barge docks, boat ramps, docks, etc. would be suitable, although other water-dependent uses, such as those requiring landfills, may not be suitable.

B. Waterfront: Within the marina, waterfront uses include marina support offices, parking, walkways, boat repair, etc. Additional water-dependent and water-related uses would also be suitable. Water-dependent and water-related uses which create

noise, odor, traffic congestion or visual blight may not be suitable. In the area to the south, water-related and water-dependent uses would be suitable. Water-dependent and water-related uses which create noise, odor, traffic congestion or visual blight may not be suitable.

C. Upland: Because of the divisions created by First Street, Second Street and Third Street, water-dependent uses may not be suitable. Water-related uses may have limited suitability.

IV. GOALS AND POLICIES

The following goals, policies and objectives have been developed to guide shoreline development within the Town of La Conner.

A. Land Use

Goal -

Assure the efficiency and compatibility of land uses.

Policies -

Protect residential areas from nuisance factors and seek their enhancement by a combination of public and private effort.

Encourage public input into the decision making process.

Protect individual rights while also protecting the welfare of the community as a whole.

Maintain a healthy, balanced and diversified economy.

Maintaining for commercial use those areas which are presently zoned or designated commercial.

Not allowing outdoor vending except where forming an integral part of a permanent sheltered business except community sponsored events.

Prevent nuisances and interference with full enjoyment and use of property.

Encourage multiple use of sites and structures where compatible for greater vitality.

Avoid unnecessary proliferation of docks, floats, boat launches and cargo handling facilities by encouraging their joint or cooperative use.

Provide and encourage adequate public docks, floats, and boat launches and encourage private facilities for shoreline-dependent uses.

Discourage use of docks or floats for other than shoreline-dependent, shoreline-related, or emergency use.

Promote the updating of legal controls such as Harbor Lines and Pierhead Lines.

Not allow docks, floats, or boat launches on state tidelands without a lease from the Department of Natural Resources in advance or as a condition of approval.

Additional over-water construction should be discouraged, except for purposes relating to Historic Preservation, shoreline-dependency or public access.

Encourage dry moorage and other storage to set back from the Ordinary High Water Mark.

Encourage substantial developments within marinas to be coordinated as part of a master plan.

Encourage ongoing cooperative planning between the Town and the Port of Skagit County, the Swinomish Tribe and Skagit County.

Require that the Corps of Engineers notify the Town before initiating changes in its dredging practices.

B. Historic Preservation

Goal -

Protect and preserve the historic quality of La Conner.

Policies -

Preserve and protect for the public benefit historic sites and structures, especially those on the National or State Historic Register.

Promote the vitality of the Historic Preservation District by encouraging full, active use of land and structures, including multiple or spatially overlapping uses where compatible.

Make accessible areas and facilities of historic, cultural and educational value.

Protect for scientific and educational purposes sites containing artifacts, by observing state law regarding notification of appropriate authorities.

Allow nonwater-dependent uses within the Historic Preservation area where such uses will act to preserve or enhance the visual and historic quality of La Conner.

C. Economic Stability and Industrial Growth

Goal -

Maintain a healthy, balanced and diversified economy.

Policies -

Promote economic development through healthy commerce and industry.

Maintain for commercial use those areas which are presently zoned or designated commercial.

Encourage clean industries to locate in La Conner.

Maintain for industrial use those areas which are presently zoned industrial.

Protect the natural and cultural attributes that have made La Conner economically stable.

D. Fisheries and Water Quality

Goal -

Protect and enhance water quality and the fisheries resources in La Conner.

Policies -

Protect and make wise use of natural resources, including water quality, air quality, fish and shellfish, wildlife, vegetation, wetlands and prime agricultural lands.

Require adequate water supply and method of sewage and garbage disposal.

Give preference to rip-rap over bulkheads in order to retain a more natural look, mitigate fish and shellfish impacts, and reduce costs.

Protect against erosion, water pollution and artificially caused ponding and wetness.

Encourage marinas to be located and designed so as not to adversely affect or make poor use of natural resources such as recreational resources, fish and shellfish, wildlife habitat, and especially prime agricultural land.

Require drainage plans which minimize impervious surfacing and which control peak runoffs and the discharge of pollutants.

Do not allow changes in dredging practices which would aggravate erosion, turbidity, or navigational problems or have undue biological impact.

Discourage disposal of dredging spoils within the Town except in conformance with the policies pertaining thereto of Skagit County.

E. Visual and Aesthetics

Goal -

Retain La Conner's friendly small town atmosphere, attractive natural setting, and unique cultural heritage.

Policies -

Prevent proliferation of signs.

Require landscaping or buffering where needed to ensure compatibility.

Emphasize the above policies in the Historic Area, where aesthetics are especially important.

Protect vistas and visual access to the water and waterfront from blockage by structures or signs, especially in the Historic Area.

Protect the attractive appearance of the Town from unsightly or visually incompatible development as viewed from within town or approaching by land or water.

Protect properties, streets and waterways from glare and over-illumination.

Avoid unnecessary proliferation of docks, floats, boat launches and cargo handling facilities by encouraging their joint or cooperative use.

Encourage boathouses to locate landward of the ordinary high water mark so as to minimize visual impacts.

Encourage use of floats rather than docks where the latter would block visual access.

Require that signs conform to the provisions of the La Conner Zoning Ordinance.

Encourage underground and under-structure transmission lines and service entries to lessen the visual impact.

F. Public Access and Navigation

Goal -

Provide safe, convenient access to public shorelines and assure the navigability of the Swinomish Channel.

Policies -

Encourage private developments to provide access to the waterfront, as part of their development.

Protect the normal public use of waterways.

Make accessible areas and facilities of historic, cultural and educational value.

Additional over-water construction should be discouraged, except for purposes relating to Historic Preservation, shoreline-dependency or public access.

Maximize public access, shoreline-dependency and multiple use concepts in marina design.

Avoid unnecessary proliferation of docks, floats, boat launches and cargo handling facilities by encouraging their joint or cooperative use.

Provide and encourage adequate public docks, floats, and boat launches and encourage private facilities.

Not allow docks or floats which would pose a hazard to navigation.

Promote the updating of legal controls such as Harbor Lines and Pierhead Lines.

Encourage boathouses to locate landward of the ordinary high water mark so as to minimize visual impacts.

Not allow docks, floats, or boat launches on state tidelands without a lease from the Department of Natural Resources in advance or as a condition of approval.

Additional over-water construction should be discouraged, except for purposes relating to Historic Preservation, shoreline-dependency or public access.

Encourage dry moorage and other storage to set back from the Ordinary High Water Mark.

Ensure the continued navigability of the Swinomish Channel.

G. Shoreline Protection

Goal -

To protect the shorelines of La Conner from damage due to wave erosion, flooding, fire and other man made and natural hazards.

Policies -

Protect health and safety by requiring developments to design against natural and man made hazards.

Promote the installation of adequate fire protection equipment and other safety devices, especially in the Historic Area.

Require that developments be designed to withstand flooding, from either the Skagit River or the Swinomish Channel, by diking, filling or other such methods in accordance with applicable floodplain management policies and regulations.

Promote non-structural methods of erosion protection, such as reduction of wave action.

Give preference to rip-rap over bulkheads in order to retain a more natural look, mitigate fish and shellfish impacts, and reduce costs.

Encourage shore defense works which are in conformance with those of adjacent properties and in character with the surrounding area.

Give full consideration to geo-hydraulic processes (see Definitions) in order to prevent excessive maintenance requirements and adverse impacts on adjacent properties.

Require in-depth consideration of geo-hydraulics to minimize the need for continued dredging, spoil disposal, fill, beach feeding and other maintenance.

Encourage location and design which provides adequate protection from wind, waves and storms with minimum shore defense work.

H. Parking and Circulation

Goal -

To assure that La Conner has adequate parking and transportation systems.

Policies -

Require off-street parking facilities sufficient for the proposed activity, granting leniency on South First Street where additional space is not available.

Require parking facilities to be set back from the Ordinary High Water Mark and to have adequate drainage, consistant with water quality policies.

Encourage cooperative use of parking facilities, such as between businesses whose peak hours do not coincide.

Promote adequate, safe, efficient and diverse means of transportation and utilities.

Utilize existing transportation and utility corridors and systems wherever possible.

Working towards meeting increased parking demands.

VII. MASTER PLAN

A. Shoreline Use

Recommended shoreline designations are illustrated on **Map 7**. Table 6 indicates the uses recommended in each designation.

Map 7 - Shoreline Designations

TABLE 6
RECOMMENDED LAND USES

AREA DESIGNATIONS	LAND USES
URBAN - HISTORIC	
Aquatic	Water Dependent
Waterfront	Office Water Related (1) Water Dependent (1) Retail/Restaurant Hotel Residential (2)
Upland	No Restriction (1)
URBAN - MIXED USE	
Aquatic	Water Dependent
Waterfront	Water Dependent Retail/Restaurant (3) Hotel (3) Residential (3)
Upland	No Restrictions (4)
URBAN - COMMERCIAL	
Aquatic	Water Dependent
Waterfront	Water Dependent Water Related Industrial (5) Commercial/Marina
Upland	No Restrictions (6)

(1) If use does not distract from historical quality of the community.
(2) On second floor only.
(3) Should be encouraged to locate in a mixed-use complex with public access.
(4) Should support or be compatible with water dependent, water related or mixed-uses.
(5) Should participate in public access.
(6) Should implement the goals of this plan.

B. Public Access

The provision of both visual and physical access to the waterfront is a major concern of the community. It is also a concern of the community that this access be: highly visible; generally available to the public; have provisions for ongoing maintenance; and be reasonably affordable. It is not the intent of the Master Plan to create public access requirements that cannot be implemented or that would create unacceptable hardship on the town or the private sector.

The following programs have been proposed to provide for public access to the La Conner waterfront:

1. Street End Improvements -

Many of the street ends in La Conner have been improved to allow public access. Additional improvements should be made to allow additional physical and visual access to the waterfront. Table 7 indicates improvements recommended for each street end.

TABLE 7
STREET END IMPROVEMENTS
FOR PUBLIC ACCESS

STREET END	IMPROVEMENTS
Sherman Street End	Landscaping Signage/Seating.
Caeldonia Street End	Improved Parking/Landscaping, Signage/Seating.
Commercial Street End	Improved Parking/Landscaping Seating/Signage.
Calhoun Street End	Signage/Lighting.
Benton Street End	Additional Seating/Landscaping Seating.
Washington Street End	Landscaping Seating.
Morris Street End	Landscaping Seating.

2. Frontage Float -

Waterfront access for fishing, boating, walking and sitting could be provided through the development of a waterfront floating "boardwalk" inside of the outer harbor line and between

the extension of Commercial street and Center street. This floating boardwalk could be connected at each of the street ends between these two points and would provide for fishing, moorage, walking and sitting.

The floating boardwalk could be built in phases between the various access points with the cooperation and approval of the existing DNR lease holders and owners. It could provide a unique physical and visual access to the waterfront, benefit navigation in the channel and provide wave protection to existing structures.

3. Port of Skagit County Marina -

Continued public access at the Port marina is encouraged. Additional visitor moorage, fishing docks, seating and walkways would increase public access.

The Plan encourages continued cooperation and coordination with the Port of Skagit County in the continued improvement of public access.

4. Cannery Site -

Once the existing cannery lease expires, this property should be utilized, at least in part, for public access. Because of the length of the existing lease (more than 15 years), no specific plans are being proposed.

5. Private On-site Access Improvements -

New non-water dependent uses within the shoreline should provide public access on-site or at one of the designated public access sites. Visual access should also be encouraged. Specific public access requirements are contained in the Shoreline Management Master Program.

C. Economic Development

The town of La Conner has limited capacity for commercial and industrial growth due to its size, location from major transportation corridors and access to deep water. Even with this limitation La Conner does have to ability to provide for significant increases in employment and growth.

The two primary areas in which this growth will most likely occur are in the tourist industry and in those industries not dependent on freeway and deep water access. The following discusses each of these activities:

1. Tourism -

The Town of La Conner has developed over the last ten years a significant "local" tourism industry. The "local" aspect of the

industry results from the fact that most of the people who visit and shop in La Conner originate from less than 100 miles away. In fact, informal surveys have indicated that most visitors originate from a confined area between Bellingham and Everett.

One unique aspect of this industry is its character. Virtually all of the shops which support La Conner's tourist industry are locally owned and operated. There are no large "franchises" and many of the items ~~are~~ sold are made locally. This has given La Conner a unique character and contributes to its popularity within the region. Because of this popularity La Conner is starting to experience year-around commercial activity.

A major limitation on the growth of the tourism industry in La Connner is related to traffic and parking. To allow for even limited growth of tourism, it is necessary that both of these issues-be addressed. Both of these issues are discussed under Parking and Circulation below.

Many residents are also concerned that the community retain its small town feeling. These residents are concerned with traffic, parking and uncontrolled growth in general.

The "Mixed-use" area being proposed will allow for the reasonable growth and stability of the tourism industry while providing necessary parking and circulation. It would encourage a pedestrian connection between the Port of Skagit County Marina, public parking lots and the existing historic commercial area. By encouraging mixed-uses, including water-related and water-dependent, it would not significantly impact the existing retail area. It also protects the balance of the waterfront from uncontrolled retail expansion.

2. Industrial -

Water-dependent and water-related Industrial growth will be limited to those industries that do not require deep water or direct freeway access. It will also be limited to those industries that do not require a large work force. Such industries as boat building, boat repair and fish processing may locate in this area. Water related industries that only require shallow draft barge access may also locate here.

La Conner does have one major attraction for industry - its high quality living environment. In order for La Conner to remain attractive to industry, it is critical that this living environment be retained.

Because of the physical limitations in La Conner related to deep water and freeway access, it may not be possible to attract a significant number of water-dependent or water-related industries. Because of this, the plan recommends that water-dependent and water-related industries be given preference in the Shoreline Management Program, but; that non-water dependent

industries, if they provide economic stability and significant employment opportunities, not be precluded if they provide public access.

D. Parking and Circulation

The lack of parking and traffic congestion have become critical problems within the shoreline area. This is particularly true during special events. The folloing are recommendations which should help to provide additional parking and relieve congestion without adversely impacting the shoreline environment.

1. Parking -

Actions recommended to provide additional parking in the historic district and to protect surrounding residential properties include:

a. Permanently acquiring and improving the existing Marina parking area owned by the Port of Skagit County (or another lot in the immediate vicinity).

b. Placement of additional parking directional signs on Morrison Street, First Street and Second Street.

c. Parking control, including residential permit parking if required, within the residential neighborhoods.

d. Paving of unpaved parking areas and striping of improved areas if required.

e. Remote parking areas with shuttles during special events such as the Tulip Festival.

f. Require new developments (outside the Urban-Historic Area) to provide adequate on-site parking.

g. Require all employees to park in the Marina parking lot. If this cannot be achieved through voluntary action, it should be made mandatory by code.

Without a strong parking acquisition and management program the existing historic commercial area and the tourism industry in La Conner will be significantly impacted.

2. Circulation -

One of the major contributors to traffic congestion in La Conner is the lack of parking. Traffic now drives south on First Street looking for parking. If none is found, (a frequent occurrence) it goes east on Commercial and North on Second Street. At times this loop is made two or three times looking for a place to park. Redirecting traffic to a specific parking

area and/or assuring there is adequate parking on First Street would significantly reduce this congestion (See Map 8).

Map 8 - Major Routes and Parking Areas

E. Historical/Cultural

The La Conner shoreline contains structures which have significant historical and cultural value. The Urban-Historic area is protected by both a local Historic Preservation Ordinance and by registration on both Washington State and Federal Historic Registers. This plan recommends that the Shoreline Management Master Program assist in the continued protection of this historic area by:

1. Allowing nonwater-dependent and nonwater-related uses to occupy existing historic structures.

2. Allowing flexibility remodeling and expansion within the Urban-Historic area to encourage the maintenance and preservation of the district.

3. Incorporating the requirements of the Historic Preservation Ordinance within the Shoreline Management Master Program.

4. Retaining the economic vitality of the historic commercial area by implementing the land use policies of this plan.

VIII. IMPLEMENTATION

The primary implementation tool of the La Conner Shoreline Master Plan is the La Conner Shoreline Master Program. Other regulatory implementation tools include the La Conner Historic Preservation Ordinance and the La Conner Zoning Ordinance.

A. Priorities:

The following outlines recommended actions and the priorities for implementation:

1. Priority One -

   a. Acquisiton of parking at Marina.
   b. Planning/Design of access float system.
   c. Improved signage.
   d. Improvement of street ends.

2. Priority Two -

   a. Parking improvements.
   b. Acquisition of DNR leases.

3. Priority Three -

   a. Development of access float.
   b. Industrial marketing program.

B. Responsibilities:

Table 8 below outlines the implementation responsibilities for each of the recommended actions.

TABLE 8
IMPLEMENTATION RESPONSIBILITIES

Recommended Action	Implementation Strategy
Mixed Use Connection	Private Investment Shoreline Management Program Zoning Ordinance Public Investment
Increased Parking	City/Port Acquisition City Investment Private Investment Zoning Ordinance

TABLE 8 (CONTINUED)
IMPLEMENTATION RESPONSIBILITIES

Recommended Action	Implementation Strategy
Street Ends	City Investment Private Investment Shoreline Management Program Historic Preservation Ord.
Access Float	City Investment State/Federal Investment Private Investment Shoreline Management Program Historic Preservation Ord.
Shoreline Protection	Corps of Engineers City Investment Private Investment Shoreline Master Program Historic Preservation Ord.
Fire Protection	City Investment Private Investment Building Code Historic Preservation Ord. Shoreline Management Program

DRAFT

ORDINANCE NO. _____

AN ORDINANCE Repealing Ordinance No. 493 and revising the La Conner Shoreline Management Master Program.

WHEREAS Conflicts exist between Ordinance 493 and the Town's adopted Shoreline Master Plan; and

WHEREAS It is necessary to resolve these conflicts in order to implement the Town's Shoreline Master Plan; and

NOW, THEREFORE, Be it ordained by the Council of the Town of La Conner that the Shoreline Management Master Program adopted by Resolution No. _____ is hereby revised as follows:

SECTION I. TITLE

This document shall be known as the "La Conner Shoreline Management Master Program", or "Master Program", for short.

SECTION II. FINDINGS

The Town of La Conner finds that:

A. Its shorelines are a valuable, fragile resource; the utilization and protection of which are of great concern to all;

B. Its shorelines are under considerable pressure from the many uses located and desiring location there and require management to prevent uncoordinated development; and

C. The provisions of this Master Program, pursuant to the mandate of the Shoreline Management Act of 1971, are essential to the public health, safety, and general welfare of the people of La Conner.

SECTION III. PURPOSE

The purpose of this Master Program is to promote the public health, safety, and general welfare by providing comprehensive, yet reasonable, procedures and policies for the management of La Conner shorelines.

SECTION IV. DEFINITIONS

A. For the purpose of this program, certain words and terms shall be interpreted as follows:

1. Board of Adjustment: La Conner Board of Adjustment.

2. Boathouse: A walled or covered structure for dry storage of watercraft or float planes located for convenient placing in the water.

3. Boatlaunch: A ramp, lift, or other device for the transmission of watercraft from land to water.

4. Comprehensive Plan: La Conner Comprehensive Plan.

5. Council: La Conner Town Council.

6. Development: Construction or exterior alteration of structures, dredging, drilling, dumping, filling, mineral extraction, bulkheading, driving of piling, placing of obstructions, or any action of a temporary or permanent nature which interferes with the normal public use of the surface of waters overlying lands subject to this Master Program at any stage of water level.

7. Dock: Structures extending out over water for moorage, recreation, or similar purposes, including piers, but excluding floats and over water construction.

8. D.O.E.: Washington State Department of Ecology.

9. Float: Floating platform structures, anchored or held by pilings.

10. Floating Residences: Permanently or temporarily stationary floating residences, including houseboats and live-aboard boats.

11. Foreshore: That beach zone lying between the mean higher high tide line and the mean lower low tide line.

12. Geo-hydraulics: The actions of erosion, transport, and accretion which produce, alter and maintain shore forms.

13. Marina: Facilities that provide storage (wet and/or dry), launching, supplies, and/or services for watercraft.

14. Ordinary High Water Mark: That mark whereat the presence and action of waters are so common, usual, and long continued, in all ordinary years, as to mark upon the soil a character distinct from that of the abutting uplands in respect to vegetation on June 1, 1971, or as it may naturally change thereafter, provided, that where such cannot be found, the ordinary high water mark shall be the line of mean higher high water.

15. Overwater Construction or Structures: Construction supported by pilings or other such means over the water, excluding docks (though they may be placed on a dock).

16. Person: An individual, partnership, corporation, association, organization, cooperative, or governmental agency.

17. Planning Commission: La Conner Planning Commission.

18. Shore Defense Work: A structure or modification intended to retard bank or shore erosion, protect channels or harbors, or encourage the deposition of beach materials by counteracting current and wave action, including bulkheads, seawalls, revetments, breakwaters, jetties, groins, gabions, and protective berms.

19. Shorelines: Water areas 20 acres in size or greater (except segments of streams upstream of a point where the mean annual flow is 20 cubic feet per second or less) and their associated floodways as defined by D.O.E., together with:

    a. Associated marshes, bogs, swamps, and river deltas, and

    b. Those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark or floodway boundary. (See Appendix A.)

20. Shoreline of Statewide Significance: Shorelines seaward of extreme low tide, which in the Swinomish Channel is 4.5 feet below mean sea level (Note: The Channel is maintained by the Corps of Engineers at 12 feet below mean sea level).

21. Shoreline Dependent: Absolutely requiring a shoreline location due to its functional nature, such as navigation, ports, marinas, docks, floats, shipyards, aquaculture, water sports.

22. Shoreline Related: Related to the shoreline by:

    a. Being an integral component of a shoreline dependent use, such as marina parking space.

    b. Being functionally related to shoreline dependent uses, such as marine-oriented retail or service establishment.

    c. Providing and opportunity for substantial numbers of people to enjoy the shoreline.

23. Shorelines Hearing Board: Washington State Shorelines Hearing Board.

24. Shoreline Master Plan: The La Conner Shoreline Master Plan.

25. Substantial Development: Development of which the total cost or fair market value exceeds $2,000.00 or any development which materially interferes with the normal public uses of shorelines, except the following:

a. Normal maintenance or repair of existing developments, including damage by fire, accident, or elements, provided that the new development is essentially the same as the original in location, size, design, function and use.

b. Construction of the normal protective bulkhead common to single family residence and used for that purpose.

c Emergency construction necessary to protect property from damage by the elements.

d. Construction and practice normal or necessary for farming, irrigation and ranching activities on land areas, including barns or similar agricultural structures, agricultural service roads and utilities, and irrigation structures such as canals, waterways, drains, reservoirs, headgates, pumping facilities and channels, and excluding feedlots, processing plants, other activities of a commercial nature and alteration of land contours by leveling or filling other than that which results for normal cultivation.

e. Construction or modification of navigational aids such as channel markers and anchor bouys.

f. Construction on land areas by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of 35 feet above average grade level, and which meets all other requirements of state and local agencies with jurisdiction.

g. Construction of a dock or float designed for pleasure craft only, for the private non-commercial use of the owner, lessee, or contract purchaser of a single family residence, of which neither cost nor the fair market value exceeds $2,500.00.

h. The marking of property lines or corners on state owned lands when not significantly detrimental to normal public use of the water.

i. Any project with a certification from the Governor, pursuant to R.C.W. 80.50.

j. Operation and maintenance of any system of dikes, ditches, drains or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system.

26. Town: Town of La Conner.

SECTION V. APPLICABILITY

This Master Program shall apply to all shorelines (see Definitions) within the Town's corporate limits and development and use thereof by any and all persons, except that non-conforming uses existing prior to June 1, 1971 may continue. Expansions or additions to such non-conforming uses shall conform herewith.

For the purpose of delineating jurisdiction, it is noted that the Town's corporate limits are the center line of the Swinomish Channel. (See Appendix A.)

SECTION VI. SHORELINE PERMIT

A. When Required:

1. When Required: No substantial development (see Definitions) shall be undertaken on the Town's shorelines nor shall a building permit for same be issued without first obtaining a Shoreline Permit from the Town.

2. Statement of Exemptions: A Statement of Exemption shall be obtained from the Planning Commission or its designee prior to construction of less than substantial developments, if:

   a. Uncertainty exists as to whether said development is substantial;

   b. A building permit is required; or

   c. Corps of Engineers Section 10 or Section 404 permit is required.

Said Statement of Exemption may consist of a separate document as provided by the Town Clerk, or the applicable sections of the Town's "Certificate of Authorization to Issue Building Permit."

B. Procedures:

1. Application: Application shall be made to the Town Clerk, together with a fee of $50.00. Application shall be reasonably complete on forms provided by the Planning Commission and shall be signed by the property owner, lessee, or contract purchaser.

2. Processing: The Town Clerk shall then:

   a. Schedule a Public Hearing before the Planning Commission;

   b. Cause notice of said Public Hearing to be published in a newspaper of general circulation in the Town once a week on the same day of the week for two weeks, and mailed to

the owners of property within 300 feet of the perimeter of the proposed site. Date of last publication and of mailing shall be at least 10 days before the Public Hearing;

c. Coordinate the input of persons with expertise necessary to review the application, such as the Town Planner, and other governmental agencies; and

d. Schedule the application for action by the Council at its earliest meeting following recommendation by the Planning Commission, which is also at least 30 days after the date of the last publication and mailing of notice.

3. Planning Commission Recommendations: The Planning Commission shall;

a. Hold the Public Hearing;

b. Conduct other review as appropriate;

c. Make findings relating to conformance or non-conformance with the provisions of this Master Program; and

d. Recommend approval, approval on condition, or disapproval based on said findings.

4. Council Action: The Town Council shall:

a. Review the Planning Commission recommendations;

b. Conduct other review as appropriate;

c. Make findings relating to conformance or non-conformance with the provisions of this Master Program;

d. Approve, approve on condition, or disapprove the application based on said findings; and

e. Cause said action to be documented.

5. D.O.E. Review:

a. Within five (5) days of final action by the Council, the Town Clerk shall transmit a copy of the action to the applicant, Attorney General, and regional office of the D.O.E.;

b. Development pursuant to a Shoreline Permit shall not begin, and is not authorized, until 30 days after receipt by the D.O.E. as provided above, or until all review procedures initiated within said 30 days have terminated.

6. Appeals: Any person aggrieved by the Council action may appeal it by filing a request for review with the Shoreline Hearing Board and sending a copy of said request to the D.O.E. within 30 days of receipt of the action by the D.O.E.

7. Time Limitations: Shoreline Permits shall become void, if:

   a. Substantial progress towards construction of the development is not made within two (2) years of Council action; or

   b. The development is not complete within five years of Council action, provided that the Council may extend said time limitations for a period not to exceed one year.

8. Revisions: Applications for revisions to Shoreline Permits shall proceed as follows:

   a. The applicant shall submit detailed plans and text describing the proposed revision;

   b. The Planning Commission or its designee shall determine whether the revision is "within the scope and intent of the original permit," which shall be defined as follows:

      1) No additional overwater construction, dock or float;
      2) Lot coverage and height increases of no more than 10%;
      3) No new structures;
      4) No change in authorized use; and
      5) No additional significant, adverse environmental impact.

   c. If the revision is within the scope and intent of the original permit, it shall require only approval by the Planning Commission or its designee to become effective immediately. Within five (5) days of such action, the Town Clerk shall transmit copies thereof, together with copies of the plans and text describing the revision, to the Attorney General and the regional office of the D.O.E. Appeals shall be in accordance with VI.B.6 and construction undertaken pursuant to the revision shall be at the applicant's own risk until expiration of the appeal's deadline which shall be 15 days after receipt by the D.O.E.

SECTION VII. SHORELINE AREA DESIGNATIONS

In order to distinguish between distinctly different shoreline uses, the following areas and sub-areas are hereby designated. Policies and regulations applying more to one shoreline area than the other are so qualified in the text.

A. Urban - Historical: This corresponds to the area designated as historical in the La Conner Historic Preservation Ordinance.

1. Aquatic - The area lying waterward of the line of MHHW, not currently covered by buildings.

2. Waterfront - The area lying between the Aquatic area and First Street.

3. Upland - The area (including the right of way of First Street) lying between the Waterfront area and the 200' shoreline boundary.

B. Urban - Mixed Use: This classification includes the area north of Morris Street to the Marina.

1. Aquatic - The area lying water-ward of the line of MHHW.

2. Waterfront - The area lying between the Aquatic area and First Street.

3. Upland - The area (including the right of way of First Street) lying between the Waterfront area and the 200' shoreline boundary.

C. Urban - Commercial: This classification includes the area south of Commercial Street and the Port of Skaget Marina.

1. Aquatic - The area lying water-ward of the line of MHHW.

2. Waterfront - The area lying between the Aquatic area and First Street or any right of way.

3. Upland - The area (including any right of ways) lying between the Waterfront area and the 200' shoreline boundary.

SECTION VIII. GUIDELINES AND REQUIREMENTS

Pursuant to the Goals and Policies of the Shoreline Master Plan, the following requirements are to guide shoreline development.

A. Land Use

1. Prevent nuisances and interference with full enjoyment and use of other properties.

2. Avoid unnecessary proliferation of docks, floats, boat launches and cargo handling facilities their joint or cooperative use.

3. Docks, floats, or boat launches on state tidelands are not allowed without a lease from the Department of Natural Resources in advance or as a condition of approval.

4. Overwater construction is not allowed except for purposes relating to Historic Preservation, shoreline-dependency or public access.

5. Non water-dependent and non water-related uses within the Urban-Mixed Use area must be part of a master plan which provides the following:

   a. A strong connective link between the Port of Skaget Marina and the Historic Area;

   b. both visual and physical public access to the shoreline;

   c. economic enhancement of the Historic Area;

   d. adequate traffic control and parking; and,

   e. conformance with the goals and policies of the Shoreline Master Plan.

7. Outdoor vending is prohibited except where forming an integral part of a permanent sheltered business.

8. Boathouses must be located landward of the ordinary high water mark so as to minimize visual impacts.

9. The following shoreline setback requirements shall be observed:

	Setback		
Shoreline Area	Water Dependent	Water Related	Non-water Related
Urban - Historic			
Aquatic	N/A	N/A	N/A
Waterfront	NONE	NONE	NONE
Upland	NONE	NONE	NONE
Urban - Mixed Use			
Aquatic	N/A	N/A	N/A
Waterfront	NONE	25'	100'
Upland	NONE	NONE	NONE
Urban - Commercial			
Aquatic	N/A	N/A	N/A
Waterfront	NONE	25'	100'
Upland	NONE	NONE	NONE

B. Historic Preservation

1. Sites containing historic or scientific artifacts must observe state laws regarding notification of appropriate authorities.

2. Nonwater-dependent uses are allowed within the Urban-Historic area where such uses will act to preserve or enhance the visual and historic quality of La Conner.

3. Developments must be in conformance with the La Conner Historic Preservation Ordinance.

C. Economic Stability and Industrial Growth

1. Development must conform to the La Conner Zoning Ordinance and the Shoreline Master Plan.

D. Fisheries and Water Quality

1. Preference should be given to rip-rap over bulkheads in order to retain a more natural look, mitigate fish and shellfish impacts, and reduce costs.

2. All developments shall have an adequate water supply and method of sewage and garbage disposal.

3. Developments shall protect against erosion, water pollution and artificially caused ponding and wetness.

4. Drainage plans are required which minimize impervious surfacing and which control peak runoffs and the discharge of pollutants.

5. Dredging practices which severely aggravate erosion, turbidity, or navigational problems or have undue biological impact are prohibited.

6. Upland disposal of dredging spoils are prohibited except where such dredge spoils are part of a master plan for the develop-ment of water-related or water-dependent uses.

E. Visual and Aesthetics

1. Landscaping or buffering required to ensure compatibility.

2. Protect vistas and visual access to the water and water-front from blockage by structures or signs, especially in the Historic Area.

3. Protect the attractive appearance of the Town from unsightly or visually incompatible development as viewed from within town or approaching by land or water.

4. Protect properties, streets and waterways from glare and over-illumination.

5. Encourage use of floats rather than docks where the latter would block visual access.

6. Require that signs conform to the provisions of the La Conner Zoning Ordinance.

7. Underground and under-structure transmission lines and service entries are required in the Urban-Historic and Urban-Mixed Use areas and are encouraged in the Urban-Commerical area.

F. Public Access and Navigation

1. Docks or floats which would pose a hazard to navigation are prohibited.

2. Over water development must conform to existing Harbor Lines and Pierhead Lines.

3. Developments must ensure the continued navigability of the Swinomish Channel.

4. Nonwater-dependent uses in the Urban-Mixed Use and Urban-Commerical areas must provide public access, either on site or as part of a designated public access point in the Shoreline Master Plan.

5. Water-related uses in the Urban-Mixed Use and Urban-Commerical areas must provide either direct public access or visual public access.

G. Shoreline Protection

1. Protect health and safety by requiring developments to design against natural and man made hazards.

2. Install adequate fire protection equipment and other safety devices, especially in the Historic Area.

3. Provide, where practical, non-structural methods of erosion protection, such as reduction of wave action.

4. Where practical, rip-rap shall be used in order to retain a more natural look, mitigate fish and shellfish impacts, and reduce costs.

5. Shore defense works shall be compatible with those of adjacent properties and in character with the surrounding area.

6. Developments shall be responsive to geo-hydraulic processes (see Definitions) in order to prevent excessive maintenance requirements and adverse impacts on adjacent properties.

7. Developments shall be responsive to geo-hydraulics to minimize the need for continued dredging, spoil disposal, fill, beach feeding and other maintenance.

8. Location and design should provide adequate protection from wind, waves and storms with minimum shore defense work.

10. Developments must be designed to withstand flooding, from either the Skagit River or the Swinomish Channel, by diking, filling or other such methods in accordance with applicable regulations and applicable floodplain management policies.

H. Parking and Circulation

1. Off-street parking facilities are required sufficient for the proposed activity, except on South First Street where additional space is not available.

2. Parking facilities are to be set back from the Ordinary High Water Mark and to have adequate drainage.

3. Where practical, cooperative use of parking facilities are encouraged, such as between businesses whose peak hours do not coincide, particularly in the Urban-Historic and Urban-Mixed Use areas.

4. Existing transportation and utility corridors and systems should be used wherever possible.

SECTION IX. VARIANCES

A. Criteria:

Variances from the provisions of this Master Program may be granted when all of the following conditions are found to exist:

1. Denial would adversely affect the Goal and Purpose of this Master Program.

2. Special circumstances exist which would otherwise preclude a reasonable use of the property.

3. The above special circumstances are inherent to the property and do not result from the actions of the applicant.

4. The variance is in the public interest and will cause no significant detrimental effects to adjacent properties or the public in general.

B. Procedures:

1. Application shall be made to the Town Clerk together with a fee of $25.00 utilizing the Shoreline Permit/Variance application form. Applications shall be reasonably complete and be signed by the property owner, lessee, or contract purchaser.

2. The Town Clerk shall then:

   a. Schedule a hearing before the Board of Adjustment.

   b. Cause notice of said public hearing to be published in a newspaper of general circulation in the Town and mailed to the owners of all property within 300 feet of the proposed variance. The dates of said publication and mailing shall be at least 10 days before the public hearing; and,

   c. Coordinate the input of persons with expertise necessary to review the application.

3. The Board of Adjustment, after holding the public hearing, shall make findings relating to conformance or non-conformance with the criteria and approve, approve on condition, or disapprove the variance accordingly.

4. The Town Clerk shall then transmit the action of the Board of Adjustment to the D.O.E. Development pursuant to a variance shall not begin and is not authorized until 30 days after receipt by the Town of the D.O.E.'s final decision on the variance, or until all review proceedings initiated within said 30 days have terminated.

5. Any person aggrieved by the D.O.E.'s final decision on the Variance may appeal it by filing a request for review with the Shorelines Hearing Board and sending a copy of said request to the D.O.E. within 30 days of receipt of said final decision by the Town.

SECTION X. CONDITIONAL USE PERMITS

This Master Program does not establish a list of conditional uses and is a complete regulatory system without utilization of conditional use permits. However, to the extent that such a permit is required and the provisions thereof established by WAC 173.14, persons may avail themselves of the unclassified conditional use permit as set forth in WAC 173.14.140 (2).

SECTION XI. IMPLEMENTATION

A. Role of the Shoreline Permit:

The Shoreline Permit is the primary means by which the Shoreline Master Plan is implemented since it cannot be granted unless the application is found to be in conformance with the Goals and Policies of the Shoreline Master Plan and these Regulations. The Shoreline Permit process is triggered by development (as opposed to rezones and conditional use permits, which pertain to changes in land use) and applies to both private and public development.

B. Relation to Other Local Land Use Controls:

1. Functional Relationships

a. The provisions of this Master Program are in addition to and do not replace other local land use controls.

b. Functional relationships are as follows:

	Goals and Policies	Performance Standards	Permit Processes
Comprehensive Plan	X		
Shoreline Management Master Plan	X	X	
Ordinance _____		X	X
Zoning Ordinance		X	X
Subdivision Ordinance		X	X

2. Need for Coordination:

a. The goals and policies of the Shoreline Master Plan and those of the Comprehensive Plan should be mutually consistent in order to facilitate sound, overall long-range planning.

b. Permit applications pursuant to this Ordinance, the Zoning Ordinance, and/or the Subdivision Ordinance should be processed concurrently in order to increase communication between decision makers, cut down on processing time and effort, and facilitate understanding of all aspects of a proposal.

c. If the Shoreline Master Plan and Comprehensive Plan are in accord, zoning and subdivision permit processes can be used to implement the Master Program even though a Shoreline permit may not be required.

C. Relation to Other State and Federal Controls:

Persons proposing developments within the Shoreline are advised that State and Federal approvals may also be required, such as Department of Natural Resources lease or a Corps of Engineers permit. In such situations, it is generally advisable to process the Shoreline Permit prior to or concurrently with such state or federal controls.

D. How to Review Proposals for Conformance:

1. Relation of Master Program to RCW 90.58 and WAC 173.14:

Application pursuant to this Master Program shall be granted only when consistent with the Shoreline Master Plan and with RCW 90.58 and WAC 173.14. The relation of this Master Program to RCW 90.58 and WAC 173.14, however, is such that reference to RCW 90.58 and WAX 173.14 is not necessary except as stated herein or where there is a question as to their intent.

2. Central Role of Policies and Regulations:

The Policies and Regulations set forth in the Shoreline Master Plan have the central role in reviewing proposals for conformance with this Ordinance. As such, their relation to other elements is as follows:

a. Relation of General Goals and Policies should be reviewed for conformance with the Regulations and Guidelines cited above and applicable to the proposal or its subcomponents.

b. Relation of Regulations and Guidelines to Shoreline Area Designations is such that reference to the objectives of the Shoreline Area Designation is not necessary unless said designation appears to be a significant factor in the Regulations and Guidelines relating to the proposal.

c. Relation of Regulations and Guidelines to the Goals and Policies is such that reference to the Goals and Policies is not necessary unless there is a question as to the intent of the Shoreline Master Plan.

E. Adoption by Reference of the La Conner Waterfront Study:

The La Conner Waterfront Study, completed in December, 1980 for the Town of La Conner by Mann, Milligan, Morse and Ramsey, is hereby adopted by reference as a general guide for implementing this Master Program as it relates to historic preservation, public access and erosion control, and is found to be in conformance with provisions hereof.

F. Enforcement:

1. Responsibility: The Town shall take such investigative, injunctive, declaratory and other actions as necessary to enforce the provisions of this Master Program and any permit granted pursuant hereto. Responsibility for such actions shall rest with the Council which may act through such employee or official as it deems appropriate.

2. Procedure: When a violation occurs, the Town shall issue a Notice and Order to the owner or tenant of the premises notifying said person of the violation and ordering compliance. The Order may be in the form of a Cease and Desist Order or a specified grant of time wherein the necessary permits must be obtained or the premises returned to their previous condition.

G. Penalty:

Any person who violates the provisions of this Master Program or any permit granted pursuant hereto shall:

1. Be guilty of a gross misdemeanor;

2. Be punished by a fine of not less than $25.00 nor more than $1,000.00, or by imprisonment for not more than 90 days, or both, provided that each day of violation shall constitute a separate offense; and

3. Be liable for all public and private damages arising therefrom, including attorney's fees and costs of the suit.

SECTION XII. SEVERABILITY

If any provision of this Master Program shall be judged invalid by any Court of competent jurisdiction, the remainder shall be separable and not affected by such judgement.

SECTION XIII. REPEAL

Ordinance No. 493 is hereby repealed.

Adopted by the Council of the Town of La Conner on the _____ _____ and becomes effective on the _____ _____.

_____
MAYOR

ATTEST:

_____
TOWN CLERK

APPROVED TO AS FORM:

(Seal)

_____
TOWN ATTORNEY

DATE DUE

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