PLANNING COMMISSION
June 16, 2026
6:30 PM
Planning Commission

a. Call to Order

b. Pledge of Allegiance

c. Roll Call

d. Consent Agenda

1. Minutes from May 19, 2026 Planning Commission Meeting

e. General Public Comments

Please keep comments to three minutes or less. Because state law prohibits the use of city facilities for the purpose of supporting or opposing a campaign or ballot proposition, we respectfully request that public comment not make reference to such matters.

Written comments will be accepted by letter or via email at nmcgowan@sedro-woolley.gov Attn: 'Public Comment.' until 4:30pm the day before the meeting.

f. Public Hearing(s)

g. Unfinished Business

1. Updates to Chapter 17.65 SWMC *Regulations for Critical Areas* - Wetland Guidance

h. New Business

1. Updates to Title 2, 13, 15, 16, and 17 SWMC - Repeal & Replace *Consolidated Planning Procedures*

i. Information Only

1. Design Standards & Guidelines: Final WWU Student Memo
2. Residential Development Incentives & Flexibility: Final WWU Student Memo

j. Adjournment

PLANNING COMMISSIONERS

Pat Huggins | Matthew Desvoigne | Madison Bowman
Joe Fattizzi | Jessica Jasper | Joe Franett | Cassandra Sexson

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Regular Meeting of the Planning Commission
May 19, 2026 - 6:30 PM

a. Call to Order

Planning Commission Chair, Joe Franett, called the meeting to order at (6:31PM).

b. Pledge of Allegiance

c. Roll Call

Commissioners Present:

- Commissioner Joe Franett
- Commissioner Jessica Jasper
- Commissioner Joe Fattizzi
- Commissioner Matthew Desvoigne
- Commissioner Madison Bowman

Commissioners Absent:

- Commissioner Patrick Huggins
- Commissioner Cassandra Sexson

Staff Present:

- Planner Nicole McGowan
- Community Development Director Tom Glover
- Permit Technician Nicole Pfluger

Absent Staff:

- Assistant Planner Ashton Sandoval Oaks

Facet Northwest Consultants Present:

- Senior Planner Donna Keeler
- Environmental Planner Alexandra Plumb

d. Consent Agenda

1. Minutes from March 17, 2026 Planning Commission Meeting

Minutes from March 17, 2026, Planning Commission Meeting approved as written.

e. General Public Comments

Please keep comments to three minutes or less. Because state law prohibits the use of city facilities for the purpose of supporting or opposing a campaign or ballot proposition, we respectfully request that public comment not make reference to such matters.

Written comments will be accepted by letter or via email at nmcgowan@sedro-woolley.gov Attn: 'Public Comment.' until 4:30pm the day before the meeting.

General Public Comments opened at (6:34PM).

- No online participants
- No participants were in attendance
- Staff did not receive any written comments

General Public Comments closed at (6:34PM).

f. Public Hearing(s)

None.

g. Unfinished Business

None.

h. New Business

1. Updates to Chapter 17.65 SWMC *Regulations for Critical Areas* - Gap Analysis Discussion

FACET's Senior Planner, Donna Keeler, and Environmental Planner, Alexandra (Alex) Plumb, presented a slideshow summarizing the gap analysis performed for required updates to the City's critical area regulations. The presentation included an overview of the Best Available Science (BAS) review and the key changes to the Critical Areas Ordinance. The BAS technical memorandum used was specific to the City of Sedro-Woolley.

Planning Commissioner, Joe Fattizzi, expressed concerns with Ecology Buffer Option 2, urging sensibility when making these choices, to avoid a one-size fits all approach. He was also very concerned with the potential of creating many new non-conforming structures while going over the Site Potential Tree Height (SPTH) Tool data.

Planning Commissioner, Madison Bowman, shared information about the buffer buy-back option that Mount Vernon has and compared it to the in-lieu of fee program. She also mentioned that Option 1 is unlikely to be feasible for individual property owners.

Following the slide show, the Planning Commissioners asked many clarifying questions to the FACET team and City staff. City Planner, Nicole McGowan, shared that staff supports Ecology Buffer Option 1 and that Option 3 is closest to what we currently have in place.

i. Information/Discussion Items

1. Updates to Chapter 2.90 SWMC *Consolidated Planning Procedures* - Coming Soon

City Planner, Nicole McGowan, updated the Planning Commission on the efforts of the Community Development Department in the upcoming proposed changes to Chapter 2.90 SWMC. There has not been an overhaul on Chapter 2.90 SWMC since 2008.

j. Adjournment

Time (8:39PM).

ATTEST:	APPROVED:
______________________________	______________________________
Planning Commission Chair	Planning Commission Secretary

Planning Commission Agenda Item

Agenda Item No.: g.1.

Date: June 16, 2026

From: Thomas Glover, Community Development Director

Subject: Updates to Chapter 17.65 SWMC *Regulations for Critical Areas* - Wetland Guidance

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RECOMMENDED ACTION:

Provide feedback and identify preferred option for regulating wetlands within Chapter 17.65 SWMC - *Regulations for Critical Areas.*

BACKGROUND/SUMMARY INFORMATION:

At the May 19, 2026, Planning Commission meeting, the city's consultant team, Facet NW, provided a presentation of the gap analysis conducted for the purposes of updating Chapter 17.65 SWMC - *Regulations for Critical Areas* for consistency with current best available science (BAS) and to improve code clarity. The Planning Commission primarily provided feedback on the options for regulating development on properties with wetlands.

The Planning Commission voiced concern that the three options presented for regulating wetlands may constitute a significant reduction of buildable land, diminished property values, and increased cost to permitting for property owners with land encumbered by critical areas. In response, Facet NW explored additional wetland options that may provide greater flexibility in regulation while maintaining consistency with BAS. Facet NW has proposed a fourth option for regulating wetlands, which bases the required buffer width on the wetland category, the intensity of the impacts, and the functions or special characteristics of the wetland that need to be protected. Option 4 is discussed in greater detail in the attached technical memorandum. Also attached is the gap analysis presented to the Planning Commission on May 19, which outlines Options 1–3 for potential wetland regulatory frameworks and is provided for reference and comparison.

FISCAL IMPACT, IF APPROPRIATE:

Facet NW is currently under contract to perform the critical areas ordinance gap analysis and support the update process. Costs associated with this are reimburseable by the WA State Department of Commerce Grant.

ATTACHMENTS:

1. Technical Memorandum_Option 4
2. CAO Gap Analysis - 5.14.2026

FACET

Formerly DCG/Watershed

TECHNICAL MEMORANDUM

Date:	June 1, 2026
To:	City of Sedro-Woolley
From:	Alexandra Plumb, Senior Planner Rachel Henden, Environmental Planner
Project Name:	Sedro-Woolley CAO Update
Project Number:	2401.0458.00

Critical Areas Ordinance Update – Wetland Guidance

Following the Planning Commission meeting on May 19, additional wetland options were explored to provide greater flexibility while maintaining consistency with the best available science.

Ecology's current buffer recommendations outlined in Ecology Publication No. 22-06-014 were first presented in Wetlands in Washington State, Volume 2 (Granger et al. 2005). The Wetland Guidance for CAO Updates (2022) combines the information from Wetlands in Washington State, Volume 2, and Wetland Guidance for CAO Updates (Western Washington and Eastern Washington) (Bunten et al. 2016a and 2016b), and provides additional detail for implementation by local governments. The City of Sedro-Woolley could consider an approach similar to Buffer Alternative 3 included in the July 2018 Appendix 8-C: Guidance on Buffers and Ratios for Western Washington (Ecology 2018) of Wetlands in Washington State, Volume 2. We have confirmed with the Department of Ecology that this approach remains consistent with the best available science associated with the Washington State Wetland Rating System for Western Washington: 2014 Update (Ecology Publication No. 14-06-029, October 2014). The most recent version of the rating system, Ecology Publication No. 23-06-009, did not contain substantial changes to the underlying model from the 2014 version.

The City could consider a fourth option which bases the required buffer width on the wetland category, the intensity of the impacts, and the functions or special characteristics of the wetland that need to be protected as determined through the rating system, as shown in Table 1. Like the other 3 wetland buffer options, this approach assumes the buffer is vegetated with native plant communities that are appropriate for the ecoregion. Similar to Option 2 in the Gap Analysis (Facet 2026), this option would require inclusion of a table with levels of impacts from proposed land use types, as shown in Table 2.

Table 1. Width based on Width Based on Wetland Category, Intensity of Impacts, Wetland Functions, or Special Characteristics

Wetland Category	Habitat Score	Impact of Proposed Land Use		
		Low	Moderate	High
Category I: Bogs	NA	125 ft	190 ft	250 ft
Category I: Wetlands with a high conservation value[1]	NA	125 ft	190 ft	250 ft
Category I (other than above)	8-9	150 ft	225 ft	300 ft
	6-7	75 ft	110 ft	150 ft
	<6	50 ft	75 ft	100 ft
Category II	8-9	150 ft	225 ft	300 ft
	6-7	75 ft	110 ft	150 ft
	<6	50 ft	75 ft	100 ft
Category III	8-9	150 ft	225 ft	300 ft
	6-7	75 ft	110 ft	150 ft
	<6	40 ft	60 ft	80 ft
Category IV	NA	25 ft	40 ft	50 ft

[1]No septic systems are permitted within 300’ of the wetland boundary.

Table 2. Land Use Type Impacts

Level of impact from proposed land use	Type of land use
High	• Commercial • Urban • Industrial • Institutional • Mixed-use developments • Residential (more than 1 unit/acre) • Roads: federal and state highways, including on-ramps and exits, state routes, and other roads associated with high-impact land uses • Railroads

	• Agriculture with high-intensity activities (dairies, nurseries, greenhouses, growing and harvesting crops requiring annual tilling, raising and maintaining animals, etc.) • Open/recreational space with high-intensity uses (golf courses, ball fields, etc.) • Solar farms (utility scale)
Moderate	• Residential (1 unit/acre or less) • Roads: Forest Service roads and roads associated with moderate impact land uses • Open/recreational space with moderate-intensity uses (parks with paved trails or playgrounds, biking, jogging, etc.) • Agriculture with moderate-intensity uses (orchards, hay fields, light or rotational grazing, etc.) • Utility corridor or right-of-way used by one or more utilities and including access/maintenance road • Wind farm
Low	• Natural resource lands (forestry/silviculture–cutting of trees only, not land clearing and removing stumps) • Open/recreational space with low-intensity uses (unpaved trails, hiking, birdwatching, etc.) • Utility corridor without a maintenance road and little or no vegetation management • Cell tower

Appendix 8-C includes additional management recommendations to protect certain wetland types, as shown in Table 3.

Table 3. Additional recommended regulations

Measure	**Wetland Characteristics**
No additional surface discharges to wetland or its tributaries	Category I Wetland: Wetlands of High Conservation Value Bogs Score for water quality 8 - 9 points; habitat less than 6 points Category II Wetland: Score for water quality 8 - 9 points; habitat less than 6 points
Restore degraded parts of buffer	Category I Wetland: Wetlands of High Conservation Value Bogs Score for habitat 8 - 9 points

Maintain connections to other habitat areas	Category I Wetland: Score for habitat 8 - 9 points Category II Wetland: Score for habitat 8-9 points

Utilizing this fourth buffer option, the City could include an allowance for buffer reduction in the case that a wetland scores less than 6 points for habitat. This allowance would be limited to a reduction to the width established for moderate land-use impacts and would require application of measures to minimize impacts to the proposed land uses. This would require the addition of a minimization measures table, as shown in Table 4.

Table 4. Minimization measures

Example of disturbance	Activities and uses that cause disturbances	Examples of measures to minimize impacts
Lights	• Parking lots • Commercial/Industrial • Recreation (e.g., athletic fields) • Residential • Agricultural buildings	• Direct lights away from wetland • Only use lighting where necessary for public safety and keep lights off when not needed • Use motion-activated lights • Use full cut-off filters to cover light bulbs and direct light only where needed • Limit use of blue-white colored lights in favor of red-amber hues • Use lower-intensity LED lighting • Dim light to the lowest acceptable intensity
Noise	• Commercial/Industrial • Recreation (e.g., athletic fields, bleachers, etc.) • Residential • Agriculture	• Locate activity that generates noise away from wetland • Construct a fence to reduce noise impacts on adjacent wetland and buffer • Plant a strip of dense shrub vegetation adjacent to wetland buffer
Toxic runoff	• Parking lots • Roads • Commercial/Industrial • Residential areas • Landscaping • Agriculture	• Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered • Establish covenants limiting use of pesticides within 150 feet of wetland • Apply integrated pest management
Stormwater runoff	• Parking lots • Roads • Commercial/Industrial • Residential areas	• Retrofit stormwater detention and treatment for roads and existing adjacent development • Prevent channelized flow or sheet flow from lawns that directly enter the buffer

Example of disturbance	Activities and uses that cause disturbances	Examples of measures to minimize impacts
	• Recreation • Landscaping/lawns • Other impermeable surfaces, compacted soil, etc.	• Infiltrate or treat, detain, and disperse new runoff from impervious surfaces and lawns
Pets and human disturbance	• Residential areas • Recreation	• Use privacy fencing • Plant dense native vegetation to delineate buffer edge and to discourage disturbance • Place wetland and its buffer in a separate tract • Place signs around the wetland buffer every 50 to 200 feet, and for subdivisions place signs at the back of each residential lot • When platting new subdivisions, locate greenbelts, stormwater facilities, and other lower intensity uses adjacent to wetland buffers
Dust	• Tilled fields • Roads	• Use best management practices to control dust

Additionally, to improve flexibility, the City could consider incorporating an exemption for small, low-functioning wetlands. This approach is outlined in Ecology's most recent guidance (Publication No. 22-06-014). Under this framework, Category IV wetlands smaller than 4,000 square feet that meet specified criteria may be exempt from the avoidance and minimization steps of the mitigation sequence and could be filled, provided that impacts are fully mitigated through the remaining steps. Similarly, wetlands smaller than 1,000 square feet that meet the same criteria may be exempt from buffer requirements. Importantly, impacts to small wetlands are not exempt from compensatory mitigation requirements, regardless of size, location, or category.

An example of this allowance is outlined below:

A. Wetlands that meet the following criteria are not subject to the avoidance and minimization requirements of the mitigation sequence in accordance with the following provisions, and they may be filled if the impacts are fully mitigated based on the requirements of SWMC 17.65.250. Impacts should be mitigated through the purchase of credits from a mitigation bank or in-lieu fee program, if available, consistent with the terms and conditions of the bank or program. In order to verify whether the following criteria are met, it is essential that a critical area report for wetlands meeting the requirements in SWMC 17.65.220 be submitted.

1. All Category IV wetlands less than 4,000 square feet that:

a. Are located in the areas covered by the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (U.S. Army Corps of Engineers, 2010) *b. Are not associated with riparian areas or their buffers*

c. Are not associated with shorelines of the state or their associated buffers.

d. Are not part of a wetland mosaic

e. Do not score 6 or more points for habitat function based on the Washington State Wetland Rating System for Western Washington: 2014 Update (Ecology Publication #14-06-029), or as revised by Ecology.

f. Do not contain a Priority Habitat or a Priority Area for a Priority Species identified by the Washington Department of Fish and Wildlife and do not contain state or federally listed species or their critical habitat or species of local importance identified in the City code.

2. Wetlands less than 1,000 square feet that meet the above criteria are exempt from the buffer provisions contained in this Chapter.

References

Bunten, D., Mraz, R., Driscoll, L., & Yahnke, A. 2016a. Wetland Guidance for CAO Updates: Western Washington Version (Ecology Publication #16-06-001). Washington State Department of Ecology. https://apps.ecology.wa.gov/publications/summarypages/1606001.html

Bunten, D., Mraz, R., Driscoll, L., & Yahnke, A. 2016b. Wetland Guidance for CAO Updates: Eastern Washington Version (Ecology Publication #16-06-002). Washington State Department of Ecology. https://apps.ecology.wa.gov/publications/summarypages/1606002.html

Ecology. 2018. Appendix 8-C: Guidance on Widths of Buffers and Ratios for Compensatory Mitigation for Use with the Western Washington Wetland Rating System. In Wetlands in Washington State - Volume 2: Guidance for Protecting and Managing Wetlands, Ecology Publication # 05-06-008. Olympia, WA: Washington State Department of Ecology, Shorelands and Environmental Assistance Program. https://apps.ecology.wa.gov/publications/parts/0506008part3.pdf

Ecology. 2022. Wetland Guidance for Critical Areas Ordinance (CAO) Updates, Western and Eastern Washington. Publication #22-06-014, Washington State Department of Ecology, Shorelands and Environmental Assistance Program. https://apps.ecology.wa.gov/publications/documents/2206014.pdf

Facet. 2026. Gap Analysis: City of Sedro-Woolley CAO Update. Prepared for City of Sedro-Woolley.

Granger, T., Hruby, T., McMillan, A., Peters, D., Rubey, J., Sheldon, D., Stanley, S., & Stockdale, E. 2005. Wetlands in Washington State - Volume 2: Guidance for Protecting and Managing Wetlands (Ecology Publication #05-06-008). Washington State Department of Ecology. https://apps.ecology.wa.gov/publications/summarypages/0506008.html

Hruby, T. 2014. Washington State Wetland Rating System for Western Washington: 2014 Update. Publication #14-06-029. Olympia, WA: Washington Department of Ecology. https://apps.ecology.wa.gov/publications/documents/1406029.pdf

Hruby, T. & Yahnke, A. 2023. Washington State Wetland Rating System for Western Washington: 2014 Update Version 2. Publication #23-06-009. Washington Department of Ecology. https://apps.ecology.wa.gov/publications/documents/2306009.pdf

Critical Areas Ordinance Update

Gap Analysis

CITY OF SEDRO-WOOLLEY

MAY 2026

Prepared for:

City of Sedro-Woolley
325 Metcalf Street
Sedro-Woolley, WA 98284

Facet Number: 2401.0458.00

Prepared by:

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The information contained in this report is based on the application of technical guidelines currently accepted as the best available science. All discussions, conclusions and recommendations reflect the best professional judgment of the author(s) and are based upon information available at the time the study was conducted. All work was completed within the constraints of budget, scope, and timing. The findings of this report are subject to verification and agreement by the appropriate local, state, and federal regulatory authorities. No other warranty, expressed or implied, is made.

Acronyms and Abbreviations

BAS	Best Available Science
BMP	Best Management Practices
CAO	Critical Areas Ordinance
CARA	Critical Aquifer Recharge Area
Commerce	Washington State Department of Commerce
Corps	U.S. Army Corps of Engineers
CMZ	Channel Migration Zone
DNR	Washington State Department of Natural Resources
DOH	Washington State Department of Health
Ecology	Washington State Department of Ecology
EPA	U.S. Environmental Protection Agency
ESA	Endangered Species Act
FEMA	Federal Emergency Management Agency
FFA	Frequently Flooded Area
FIRM	Flood Insurance Rate Map
FWHCA	Fish and Wildlife Habitat Conservation Area
GIS	Geographic Information System
GMA	Growth Management Act
LID	Low Impact Development
OHWM	Ordinary High Water Mark
NFIP	National Flood Insurance Program
NMFS	National Marine Fisheries Service
PHS	Priority Habitats and Species
RMZ	Riparian Management Zone
RCW	Revised Code of Washington
SPTH	Site Potential Tree Height
SWMC	Sedro-Woolley Municipal Code
USFWS	U.S. Fish and Wildlife Service
WAC	Washington Administrative Code
WDFW	Washington Department of Fish and Wildlife
WHPA	Wellhead Protection Areas

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Tables

Figures

1. INTRODUCTION

With passage of the Growth Management Act (GMA), local jurisdictions throughout Washington State, including City of Sedro-Woolley (City), were required to develop policies and regulations to designate and protect critical areas. Critical areas are defined in the GMA and the Revised Code of Washington (RCW) 36.70A.030(11) to include wetlands, fish and wildlife habitat conservation areas, frequently flooded areas, critical aquifer recharge areas, and geologically hazardous areas. The GMA requires local jurisdictions to periodically review and evaluate their adopted critical areas policies and regulations.

According to the Washington Administrative Code (WAC) 365-195-915, critical area regulations are required to incorporate best available science (BAS), and any deviations from science-based recommendations must be identified, assessed, and explained. In addition, jurisdictions must give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries.

This gap analysis report is a review of the current critical areas regulations under Sedro-Woolley Municipal Code (SWMC) Chapter 17.65 with an evaluation of the gaps in consistency between the existing regulations and BAS or state law. The Technical Memorandum – Best Available Science (BAS) Review (Facet 2025b), which incorporates by reference the Skagit County Critical Areas Ordinance (CAO) BAS review (Facet 2025a), has informed the recommendations of the gap analysis included in the tables below. This analysis also includes recommendations for improvements to general aspects of the Sedro-Woolley CAO, such as clarity, consistency, and ease of use. The primary intention of this gap analysis is to guide the update of the City's critical areas policies and regulations.

The following sections provide information for specific critical areas. Each section contains a summary table followed by a detailed analysis of the existing code, potential gaps, and recommendations.

2. GENERAL PROVISIONS (ARTICLE 1)

This section addresses code applicable to Article 1: General Provisions as described in SWMC 17.65.010-17.65.195. A summary of recommended updates is provided in Table 1.

Table 1. General Provisions review summary.

Code Section	Title	Review Comment and Recommendations	Reason for Recommendation
17.65.010	Introduction.	1. Specify the use of best available science (BAS) in development of critical areas regulations. 2. Recommend revising key terms. 3. Use the term "critical areas report" rather than "site assessment" to be consistent with the terminology common to the region. 4. Consider deleting the section, Critical Area Maps, as it is repetitive with SWMC 17.65.050, Resource information and maps.	1. Commerce CAO Checklist, Overall Requirements 2. Consistency with state convention and terminology 3. Clarity 4. Clarity
17.65.020	Application, purpose.	1. Clarify that this chapter applies to all development. 2. Recommend strengthening the purpose statement with inclusion of restoration and protection of riparian habitats. 3. Consider removing riparian corridors from Subsection 17.65.020(C)(1), Wetlands and Riparian Corridors. 4. Consider revising terminology from "riparian corridor" to "riparian buffer area." 5. Reference Chapter 17.66 SWMC, Flood Damage Prevention. 6. Add a provision noting in the case of conflicting codes, the regulation that provides the greater protection to critical areas shall apply. 7. Relocate Subsection 17.65.020(D), Exemptions from Critical Areas Review Requirements, to revised Section 17.65.100, Exemptions, and consider revising/expanding.	1. Clarity 2. WDFW guidance 3. Clarity 4. WDFW guidance 5. Clarity 6. WDFW guidance 7. Consolidate list of exemptions, BAS

Code Section	Title	Review Comment and Recommendations	Reason for Recommendation
17.65.025	Definitions.	1. Ensure consistency of definitions with the WAC, as applicable. 2. Consider adding a definition of channel migration zone. 3. Consider revising the definition of compensatory mitigation and add definitions of each type of compensatory mitigation. 4. Consider revising the definition of development to align with Ecology Publication No. 22-06-014. 5. Consider revising the definition of Fish and Wildlife Habitat Conservation Area to align with WAC 365-190-030(6). 6. Consider including a definition of functionally disconnected buffer. 7. Consider including a definition of hazard tree. 8. Consider revising the definition of in-lieu of fee. 9. Consider including a definition of low impact development (LID). 10. Consider using the term "qualified professional" instead of "qualified expert" and consider including a sub-definition for each specific area of expertise. 11. Consider adding a definition of a riparian buffer area. 12. Consider updating definition of structure consistent with WAC 173-27-030.	1. State law 2. WDFW guidance 3. Ecology Publication No. 22-06-014 4. Ecology Publication No. 22-06-014 5. WAC 365-190-030(6) and Commerce CAO Checklist 6. Ecology Publication No. 22-06-014 7. WDFW guidance 8. Ecology Publication No. 22-06-014 9. Ecology Publication No. 22-06-014 10. Ecology Publication No. 22-06-014 and consistency with state practices 11. WDFW guidance 12. WAC 173-27-030
17.65.030	Authority.	No comments or recommendations	N/A

Code Section	Title	Review Comment and Recommendations	Reason for Recommendation
17.65.040	Applicability, jurisdiction and coordination.	1. Specify the responsibility of applicants and landowners to comply with applicable local, state, and federal regulations. 2. Revise refences to local regulations that are specific to Sedro-Woolley.	1. Clarity 2. Clarity
17.65.050	Resource information and maps.	Reference the Washington Department of Fish and Wildlife (WDFW) Priority Habitats and Species (PHS) maps.	Clarity
17.65.060	General requirements and authorizations required.	1. Specify which actions the standards of the chapter apply to (relocated language from deleted SWMC 17.65.100, Application of standards). 2. Reference requirement to use mitigation sequencing under SWMC 17.65.160(C), Mitigation Sequence, for proposed alterations that could adversely affect a critical area or its standard buffer functions.	1. Clarity 2. BAS
17.65.065	Public notice and records.	No comments or recommendations	N/A
17.65.070	Application submittal requirements.	Consider removing the requirement for site plans to be prepared by a licensed surveyor.	Clarity
17.65.080	Administration.	1. Provide crosswalk to Chapter 17.66, Flood Damage Prevention. 2. Revise distance threshold for a critical areas review from 200 to 300 feet to align with the proposed buffer width increases. 3. Consider implementing a monitoring and adaptive management program.	1.Consistency 2. BAS 3. Commerce CAO Checklist, Good Ideas Section, and WDFW guidance

Code Section	Title	Review Comment and Recommendations	Reason for Recommendation
17.65.090	Critical areas checklist, site assessment and conditions of approval.	1. Revise section title to "Critical areas checklist, critical areas report, and conditions of approval." 2. Explicitly state required assessment of direct and indirect impacts to be included in all critical areas reports, along with the critical area inventory and, where applicable, a proposed mitigation plan. 3. Reference requirement to use mitigation sequencing under SWMC 17.65.160(C), Mitigation Sequence, for inclusion in mitigation plans.	1. Consistency 2. BAS 3. BAS
17.65.100	Application of standards.	1. Revise title to exemptions and revise as necessary. 2. Subsection 17.65.100(N) regarding development in the floodplain should be relocated to SWMC 17.65.600, Standards for frequently flooded areas.	1. Consolidate exemptions list 2. Clarity
17.65.120	General construction and maintenance standards.	1. Clarify that a vegetation and revegetation report may be required when development is proposed adjacent to streams or riparian buffer areas, as well as where erosion potential is 'severe'. 2. Clarify that applicants must first consider low impact development (LID) techniques.	1. BAS 2. BAS, WDFW recommendation

Code Section	Title	Review Comment and Recommendations	Reason for Recommendation
17.65.150	Reasonable use exception.	1. Specify the limitation of the use of a reasonable use exception to residential development. 2. Specify mitigation sequencing as a requirement for approval. 3. Update appeal to appropriate procedure. 4. Consider including a public agency and utilities exception.	1. Clarity 2. Commerce CAO Checklist, Reasonable Use Exceptions 3. Consistency 4. Code application
17.65.160	Critical area and buffer mitigation requirements—General provisions.	1. Review which mitigation types are allowed. 2. Review and update mitigation sequencing requirements.	1. BAS and clarity 2. BAS
17.65.170	Protected critical area (PCA) requirements.	1. Recommend removing accuracy language. 2. Specify spacing intervals of permanent buffer edge markers.	1. Implementation 2. Implementation
17.65.180	Incentives.	No comments or recommendations	N/A
17.65.190	General natural resource preservation requirements.	No comments or recommendations	N/A
17.65.195	Natural resource area covenants, tracts, notices and dedications.	No comments or recommendations	N/A

2.1 Introduction (SWMC 17.65.010)

It is recommended that the chapter explicitly references the use of best available science (BAS) in the development and implementation of critical areas regulations, including citation of the applicable Washington Administrative Code (WAC) provisions under WAC 365-195-900 through 365-195-925.

In addition, several terminology revisions are advised to improve clarity and ensure uniform application of standards throughout the chapter. These include removing hyphens from the term "no net loss"; consistently using the full term "Critical Aquifer Recharge Area" rather than "aquifer recharge area"; applying the term "frequently flooded areas (FFA)" instead of "flood hazard areas"; using "fish and wildlife habitat conservation areas (FWHCAs)" rather than "habitat conservation area" or "HCA"; and "geologically hazardous areas" in place of "geologic hazards." It is further recommended that the term "critical areas report" be used instead of "site assessment," as it aligns with regional terminology and more accurately reflects the scope of the required documentation.

Finally, for organizational clarity and to avoid redundancy, the section titled Critical Area Maps should be considered for deletion, as its content duplicates the provisions already contained in SWMC 17.65.050, Resource Information and Maps.

2.2 Application, purpose. (SWMC 17.65.020)

It is recommended that the chapter be clarified to state explicitly that its provisions apply to all development activities, ensuring consistent and predictable application of the critical areas regulations throughout Sedro-Woolley. Strengthening the purpose statement to include the restoration and protection of riparian habitats would further reinforce the City's commitment to safeguarding ecological functions and supporting long-term resource resilience and alignment with best available science.

For consistency with state-recognized critical area designations, the City should also consider removing riparian corridors from Subsection 17.65.020(C)(1), *Wetlands and Riparian Corridors*.

To utilize the terminology currently used in Subsection 17.65.530(A), it is recommended to shift "riparian corridor" terminology to "riparian buffer area" and should then incorporate under Subsection 17.65.020(C)(3), *Fish and Wildlife Habitat Conservation Areas (FWHCAs)*.

Referencing Chapter 17.66 SWMC, Flood Damage Prevention, within the description of Subsection 17.65.020(C)(4), *Frequently Flooded Areas*, would strengthen internal code consistency and assist users in navigating related standards.

This section should also include a provision stating that, in the event of conflicting regulations, the standard of providing greater protection to critical areas shall prevail to align with best available science.

It is recommended that Subsection 17.65.020(D), *Exemptions from Critical Areas Review Requirements*, be relocated to revised Section 17.65.100, *Exemptions*, to improve organization and enhance readability.

As part of this revision, the emergency action exemption should be clarified to specify that required mitigation and/or restoration must be completed in accordance with an approved mitigation plan or other applicable plan developed pursuant to this chapter. The exemption for maintenance and removal of nonnative vegetation should be strengthened by requiring a letter of exemption for proposed removal activities and by adding criteria to guide the removal of invasive or noxious plants. Additionally, the exemptions related to modifications of single-family residences and other uses should be reviewed and potentially consolidated to eliminate redundancy and improve consistency. The exemption for enhancement activities should also be revised to clearly identify when and under what conditions it may apply. Finally, an exemption for hazard tree removal should be added, with a corresponding requirement to obtain a letter of exemption to ensure appropriate mitigation measures are implemented for any removed trees.

2.3 Definitions (SWMC 17.65.030)

To improve clarity and alignment with state guidance, it is recommended that the City ensure its definitions remain consistent with applicable Washington Administrative Code (WAC) provisions. Several additions and revisions would strengthen the code's accuracy and usability, including adding definitions for:

- Channel migration zone;
- Functionally disconnected buffer;
- Hazard tree;
- Low impact development (LID); and
- Riparian buffer area.

To align with the existing Sedro-Woolley Public Works Development Standards definition, the following definition of LID could be considered:

"Low Impact Development (LID)" means a stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.

Revisions are also advised for key existing terms. Revising the term "Aquifer recharge areas, critical" to "critical aquifer recharge areas" and updating the definition consistent with WAC 365-190-030 aligns with state practice. Other proposed revisions include updating the definitions of "compensatory mitigation" and its component types (e.g., creation, enhancement, preservation, and restoration) to reflect the terminology used in Washington Department of Ecology Publication No. 22-06-014, as well as revising the definitions of "development" and "Fish and Wildlife Habitat Conservation Area (FWHCA)" to ensure consistency with Ecology guidance and WAC 365-190-030(6). Clarifying the definition of "in-lieu-of fee" to describe the procedures governing its use as a compensatory mitigation option would further support consistent application of the code. Revising the definition of "structure" to align with WAC 173-27-030 aligns more closely with state practice.

In addition, it is recommended that the code use the term "qualified professional" instead of "qualified expert" and include subsections detailing qualifications for each relevant field to strengthen the reliability of technical analyses.

2.4 Applicability, jurisdiction and coordination (SWMC 17.65.040)

It is recommended that the code explicitly specifies the responsibility of applicants and landowners to comply with all applicable local, state, and federal regulations to ensure consistent and accountable implementation of critical areas requirements. Additionally, references to local regulations should be revised to accurately cite the City of Sedro-Woolley's municipal code and standards rather than those of Skagit County.

2.5 Resource information and maps (SWMC 17.65.050)

It is recommended to reference the Washington Department of Fish and Wildlife (WDFW) Priority Habitats and Species (PHS) maps to ensure identified PHS are being protected.

2.6 General requirements and authorizations required (SWMC 17.65.060)

It is recommended that the chapter clearly specify which actions and activities are subject to its standards, using the relocated language from the revised SWMC 17.65.100, Application of Standards (see below recommendation to revise title to Exemptions), to ensure applicants and reviewers understand when critical areas requirements apply. This section should also reference the requirement to follow the mitigation sequencing process outlined in SWMC 17.65.160(C) for any proposed alterations that could adversely affect a critical area or its standard buffer functions. Explicitly linking these provisions will help reinforce consistent application of the avoidance, minimization, and mitigation hierarchy and support effective protection of critical area functions.

Under subsection 17.65.060(C), Procedures, it is recommended to relocate the following provisions for clarity:

- Relocate "Conflicts with Other Provisions" to SWMC 17.65.020 and revise.
- Relocate subsections 17.65.060(C)(3) and (4) to SWMC 17.65.740 where the State Environmental Policy Act is discussed.
- Relocate "Other Permits Required" to SWMC 17.65.040 and revise.

2.7 Application submittal requirements (SWMC 17.65.070)

To reduce the burden on the applicant, the requirement for a site plan prepared by a surveyor licensed in the State of Washington should be considered for removal. The City could instead revise this requirement to allow an accurate, to-scale site plan to be prepared by the applicant or the applicable qualified professional.

2.8 Administration (SWMC 17.65.080)

It is recommended to provide a crosswalk to Chapter 17.66, Flood Damage Prevention, for clarity of application and consistency. Additionally, the distance threshold for a critical areas review should be revised from 200 to 300 feet to align with the proposed buffer width increases. Lastly, to align with best available science, the city should consider implementing a monitoring and adaptive management program.

2.9 Critical areas checklist, site assessment and conditions of approval (SWMC 17.65.090)

To align with the recommendations contained within Section 2.1 of this report, it is recommended to revise the section title in SWMC 17.65.090 to "Critical areas checklist, critical areas report, and conditions of approval". Additionally, it is recommended to explicitly state required assessment of direct and indirect impacts to be included in all critical areas reports, along with the critical area inventory and, where applicable, a proposed mitigation plan and reference the requirement to use mitigation sequencing under SWMC 17.65.160(C), Mitigation Sequence, in mitigation plans.

2.10 Application of standards (SWMC 17.65.100)

It is recommended to retitle this section "Exemptions" for clarity. Revise section introduction with language from deleted SWMC 17.65.020(D) and additional clarity.

It is recommended to relocate applicable exemptions from SWMC 17.65.020(D) to this Section 17.65.100 and revise as necessary. The language contained within Subsection 17.65.100(N) regarding development in the floodplain should be relocated to SWMC 17.65.600, Standards for frequently flooded areas, for clarity. As described in Section 2.6 of this report, exemptions could be added to address certain activities including the following suggested language:

Existing and ongoing agriculture activities, including related development and activities that do not result in an expansion or further expansion into a critical area or its standard buffer.

Activities involving artificially created wetlands or artificial watercourses intentionally created from nonwetland sites, including, but not limited to, grass-lined swales, irrigation and drainage ditches, roadside ditches, stormwater detention facilities, and landscape features, except those features that provide critical habitat for anadromous fish and those features that were created as mitigation pursuant to the provisions of this chapter.

Removal of hazard trees after issuance of a letter of exemption. Upon issuance of a letter of exemption, removal of hazard trees as defined in SWMC 17.65.025 that has determined have a high probability of falling due to a debilitating disease or a structural defect and potential for significant property damage or personal injury if it falls, provided that it is demonstrated to the satisfaction of the Director that an imminent threat or risk exists or the criteria in SWMC 12.40.080 has been met. Where the existence of a safety hazard cannot be readily determined by the Director, the landowner shall submit a written report from a certified arborist documenting the hazard. Hazard tree removal shall be conducted in a manner that avoids or minimizes adverse impacts on ecosystem functions, to the extent practicable, including avoiding or limiting damage to remaining trees and vegetation within the critical area and its associated buffer. Where feasible, creating wildlife snags is encouraged as an alternative to complete tree removal.

1. *If a tree is determined to be a hazard based on the criteria above, the subject tree removed from critical areas must be mitigated through one of the following actions:*

    a. *Replace with appropriate native tree species within the critical area or buffer;*

    b. *Demonstrate critical area functions will be restored through a mitigation plan. Restoration actions may include invasive plant removal and revegetation with shrub and groundcover plants where on-site tree replacement is determined by a qualified professional to be unsustainable.*

2.11 General construction and maintenance standards (SWMC 17.65.120)

To improve clarity, it is recommended that the code language be updated to specify that a vegetation and revegetation report may be required when development is proposed adjacent to streams or riparian buffer areas, as well as where erosion potential is 'severe'. Additionally, the language should be updated to clarify that applicants must first consider low impact development (LID) techniques before grading the proposed development site.

2.12 Reasonable use exception (SWMC 17.65.150)

To improve implementation, it is recommended to specify the limitation of the use of a reasonable use exception to residential development and specify mitigation sequencing as a requirement for approval. Further, appeals for decisions made by a Hearing Examiner shall be appealed to Superior Court in compliance with Chapter 2.90 SWMC and RCW 36.70C.

To provide flexibility in implementation of the code, it is recommended to add a public agency and utility exception. The following language could be used:

G. Public Agency and Utility Exception. A request for a critical area public agency and utility exception may be made if the application of this chapter would prohibit a development proposal by a public agency or public utility.

1. The public agency and utility exception shall only be granted under the following conditions:

a. There is no other practical alternative to the proposed development with less impact on the critical areas;

b. The application of this chapter would unreasonably restrict the ability to provide services to the public;

c. The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site;

d. The proposal will result in no net loss of critical area functions and values consistent with the best available science; and

e. The proposal is consistent with other applicable regulations and standards.

2. Any authorized alteration of a critical area under this section may be subject to conditions established by the city and shall require mitigation under an approved critical areas report.

3. The standards above in Section 17.65.150(D) through (F) apply.

2.13 Critical area and buffer mitigation requirements—General provisions (SWMC 17.65.160)

In alignment with Ecology Publication No. 22-06-014, it is recommended to review which types of mitigation are allowed, and review and update mitigation sequencing requirements.

2.14 Protected critical area (PCA) requirements (SWMC 17.65.170)

It is recommended to remove accuracy language because it could be exploited to intentionally reduce buffer width. Additionally, the language should be updated to specify spacing intervals of permanent buffer edge markers.

3. WETLANDS (ARTICLE 2)

This section addresses code applicable to Article 2: Wetlands as described in SWMC 17.65.200-17.65.240. A summary of recommended updates is provided in Table 2.

Table 2. Wetlands review summary.

Code Section	Title	Review Comment and Recommendations	Reason for Recommendation
17.65.200	Wetlands designations.	1. Revise title to "Wetlands designations and rating." 2. Provide a reference to "Ecology Publication No. 23-06-009 or as revised" for clarity of which rating system to use. 3. Clarify review process for a wetland delineation older than 5 years.	1. Implementation 2. BAS 3. Ecology Publication No. 22-06-014
17.65.210	Wetlands initial project review.	1. Update threshold for critical area review from 200 to 300 feet. 2. Update term for a wetland-specific critical areas report to "wetland report."	1. Ecology Publication No. 22-06-014 2. Consistency
17.65.220	Wetlands site assessment requirements.	1. Revise section title to "Wetland report requirements." 2. Review and update reporting requirements. 3. Suggest cross-referencing the mitigation requirements under subsections (B)-(G) of SWMC 17.65.160, Critical area and buffer mitigation requirements-General provisions.	1. Consistency 2. Ecology Publication No. 22-06-014 3. Clarity
17.65.230	Alteration of wetlands.	No comments or recommendations	N/A

Code Section	Title	Review Comment and Recommendations	Reason for Recommendation
17.65.240	Wetland mitigation standards.	1. Relocate mitigation standards and requirements to new subsection and revise 2. Review buffer width tables for consistency with Ecology's model ordinance. 3. Provide additional details on standard buffer condition requirements. 4. Review buffer increase criteria and update for consistency with Ecology's model ordinance. 5. Review buffer decrease criteria and revise to specify approval criteria. 6. Review buffer averaging criteria and update for consistency with Ecology's model ordinance. 7. Include a new subsection for functionally disconnected buffers. 8. Review allowed uses in wetlands and update for consistency with Ecology's model ordinance.	1. Ecology Publication No. 22-06-014 2. Ecology Publication No. 22-06-014 3. Ecology Publication No. 22-06-014 4. Ecology Publication No. 22-06-014 5. Implementation 6. Ecology Publication No. 22-06-014 7. Ecology Publication No. 22-06-014 8. Ecology Publication No. 22-06-014

3.1 Wetlands designations (SWMC 17.65.200)

To improve clarity, it is recommended to revise the title of this subsection to "Wetlands designations and rating." Additionally, this subsection should be revised to provide a reference to "Ecology Publication No. 23-06-009 or as revised" for clarity of which rating system to use and include language for review process when a wetland delineation is older than 5 years.

3.2 Wetlands initial project review (SWMC 17.65.210)

For consistency with the proposed revisions to the wetland buffer width table, it is recommended to update threshold for critical area review from 200 to 300 feet to be inclusive of the largest possible buffer width. Additionally, for consistency with common terminology, it is recommended to refer to the wetland-specific site assessment as a "wetland report."

3.3 Wetlands site assessment requirements (SWMC 17.65.220)

For consistency with the proposed language change above, it is recommended to revise the subsection title to "Wetland report requirements." To align with best available science under the Washington State Department of Ecology *Wetland Guidance for Critical Areas Ordinance Updates* (Ecology Publication 22-06-014), it is recommended to review and update wetland reporting requirements. Further, it is suggested to cross-reference the mitigation requirements under SWMC 17.65.160, Critical area and buffer mitigation requirements-General provisions.

3.4 Wetland mitigation standards (SWMC 17.65.240)

3.4.1 Section organization

To improve implementation, it is recommended to relocate the mitigation standards and requirements to a new Subsection 17.65.250, Wetland mitigation standards, and revise title of Section 17.65.240 to "Wetland buffer standards."

3.4.2 Wetland buffer widths

For consistency with best available science, the existing buffer width tables should be reviewed for consistency with Ecology's latest wetland guidance for CAO updates, Ecology Publication No. 22-06-014 finalized in October 2022, which provides three BAS based options for wetland buffer tables. Table 3 below shows the code's current buffer widths:

Table 3. Current wetland buffers from SWMC 17.65.240(B)

Category I	150
Category II	110
Category III	50
Category IV	25

Ecology's preferred option, Option 1, shown in Table 4 below, provides the most flexibility and site-specific buffers. Buffer widths are based on the wetland category, the level of impacts from adjacent land uses, and the functions or special characteristics of the wetland. Under Option 1, there are two different variations, the reduced variation only allowable through provision of a habitat corridor and implementation of minimization measures to reduce the level of impact from the adjacent land use.

Use of the lowest buffer widths under Option 1 requires the implementation of minimization measures shown in Table 5. Such measures are not currently in the code. Table 5 is not a complete list of measures, nor is every measure required, but every effort should be made to implement as many measures as applicable and practicable, as determined by City staff. If an applicant chooses not to apply the applicable minimization measures, then an approximately 33% increase in the width of all buffers is required, see Table 6.

Table 4. Ecology Buffer Option 1 (wetland buffer width requirements, in feet, if Table 5 is implemented and a habitat corridor is provided)

Category of Wetland	Habitat Score 3-5 points (corridor not required)	Habitat Score 6-7 points	Habitat Score 8-9 points	Buffer width based on special characteristics
Category I or II: Based on rating of functions (and not listed below)	75	110	225	NA
Category I: Bogs and Wetlands of High Conservation Value	NA	NA	225	190
Category I: Interdunal	NA	NA	225	NA
Category I: Forested	75	110	225	NA
Category I: Estuarine and wetlands in coastal lagoons	NA	NA	NA	150
Category II: Interdunal	NA	NA	NA	110
Category II: Estuarine and wetlands in coastal lagoons	NA	NA	NA	110
Category III: All types except interdunal	60	110	225	NA
Category III: Interdunal	NA	NA	NA	60
Category IV: All types	40	40	40	NA

Table 5. Impact minimization measures

Examples of disturbance	Activities and uses that cause disturbances	Examples of measures to minimize impacts
Lights	• Parking lots • Commercial/industrial • Residential • Recreation (e.g., athletic fields) • Agricultural buildings	• Direct lights away from wetland • Only use lighting where necessary for public safety and keep lights off when not needed • Use motion-activated lights • Use full cut-off filters to cover light bulbs and direct light only where needed • Limit use of blue-white colored lights in favor of red-amber hues • Use lower-intensity LED lighting • Dim light to the lowest acceptable intensity
Noise	• Commercial • Industrial • Recreation (e.g., athletic fields, bleachers, etc.) • residential • Agriculture	• Locate activity that generates noise away from wetland • Construct a fence to reduce noise impacts on adjacent wetland and buffer • Plant a strip of dense shrub vegetation adjacent to wetland buffer
Toxic runoff	• Parking lots • Roads • Commercial/industrial • Residential areas • Application of pesticides • Landscaping • Agriculture	• Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered • Establish covenants limiting use of pesticides within 150 ft. of wetland • Apply integrated pest management (These examples are not necessarily adequate for minimizing toxic runoff if threatened or endangered species are present at the site.)
Stormwater runoff	• Parking lots • Roads • Residential areas • Commercial/industrial • Recreation • Landscaping/lawns • Other impermeable surfaces, compacted soil, etc.	• Retrofit stormwater detention and treatment for roads and existing adjacent development • Prevent channelized or sheet flow from lawns that directly enters the buffer • Infiltrate or treat, detain, and disperse new runoff from impervious surfaces and lawns

Examples of disturbance	Activities and uses that cause disturbances	Examples of measures to minimize impacts
Pets and human disturbance	• Residential areas • Recreation	• Use privacy fencing • Planet dense native vegetation to delineate buffer edge and to discourage disturbance • Place wetland and its buffer in a separate tract • Place signs around the wetland buffer every 50-200 ft., and for subdivisions place signs at the back of each residential lot • When platting new subdivisions, locate greenbelts, stormwater facilities, and other lower-intensity uses adjacent to wetland buffers
Dust	• Tilled fields • Roads	• Use best management practices to control dust

Table 6. **Ecology Buffer Option 1 (without minimization measures and a habitat corridor is not provided)**(wetland buffer width requirements, in feet)

Category of Wetland	Habitat Score 3-5 points (corridor not required)	Habitat Score 6-7 points	Habitat Score 8-9 points	Buffer width based on special characteristics
Category I or II: Based on rating of functions (and not listed below)	100	150	300	NA
Category I: Bogs and Wetlands of High Conservation Value	NA	NA	300	250
Category I: Interdunal	NA	NA	300	NA
Category I: Forested	100	150	300	NA
Category I: Estuarine and wetlands in coastal lagoons	NA	NA	NA	200
Category II: Interdunal	NA	NA	NA	150

Category of Wetland	Habitat Score 3-5 points (corridor not required)	Habitat Score 6-7 points	Habitat Score 8-9 points	Buffer width based on special characteristics
Category II: Estuarine and wetlands in coastal lagoons	NA	NA	NA	150
Category III: All types except interdunal	80	150	300	NA
Category III: Interdunal	NA	NA	NA	80
Category IV	NA	NA	NA	50

Ecology Buffer Option 2, shown in Table 7 below, is based on category and the level of impact from the adjacent proposed or existing land use. This option necessitates inclusion of a table with levels of impacts from proposed land use types (Table 8).

Table 7. Ecology Buffer Option 2

Wetland Category	Land Use Impact		
	Low	Moderate	High
I	150 ft	225 ft	300 ft
II	150 ft	225 ft	300 ft
III	75 ft	110 ft	150 ft
IV	25 ft	40 ft	50 ft

Table 8. Land Use Type Impacts

Level of impact from proposed land use	Type of land use
High	• Commercial • Urban • Industrial • Institutional • Mixed-use developments • Residential (more than 1 unit/acre) • Roads: federal and state highways, including on-ramps and exits, state routes, and other roads associated with high-impact land uses • Railroads

	• Agriculture with high-intensity activities (dairies, nurseries, greenhouses, growing and harvesting crops requiring annual tilling, raising and maintaining animals, etc.) • Open/recreational space with high-intensity uses (golf courses, ball fields, etc.) • Solar farms (utility scale)
Moderate	• Residential (1 unit/acre or less) • Roads: Forest Service roads and roads associated with moderate impact land uses • Open/recreational space with moderate-intensity uses (parks with paved trails or playgrounds, biking, jogging, etc.) • Agriculture with moderate-intensity uses (orchards, hay fields, light or rotational grazing, etc.) • Utility corridor or right-of-way used by one or more utilities and including access/maintenance road • Wind farm
Low	• Natural resource lands (forestry/silviculture–cutting of trees only, not land clearing and removing stumps) • Open/recreational space with low-intensity uses (unpaved trails, hiking, birdwatching, etc.) • Utility corridor without a maintenance road and little or no vegetation management • Cell tower

Finally, Ecology Buffer Option 3, shown in Table 9, is based solely on the category of wetland. It is similar to the code's existing buffer system.

Table 9. Ecology Buffer Option 3

Wetland Category	Buffer
I	300 ft
II	300 ft
III	150 ft
IV	50 ft

All three options require an increase in the standard buffer widths based on Ecology's moderate risk approach as determined through BAS. Option 3 most closely aligns with the City's current implementation practices. Option 2 establishes buffer widths similar to those currently regulated for low-impact uses while providing additional flexibility to adjust buffers. Ecology's Option 1 operates under the assumption that most proposed development will be high or moderate impact (Ecology Publication No. 22-06-014).

We also recommend proving table numbers for ease of reference (e.g., Table 17.65.240-1).

3.4.3 Buffer standards and alterations

Additional details should also be provided for standard buffer condition requirements. BAS buffer recommendations are based on the assumption that the buffer is well vegetated with native species appropriate to the ecoregion. This is not currently stated in the Code. If the buffer does not consist of vegetation adequate to provide the necessary protection, then either the buffer area should be planted, or the buffer width should be increased. The following language could be added to ensure a buffer condition that is adequate to protect the wetland resource:

> *The buffer widths in Table 17.65.240-1 of this section assume that the buffer is vegetated with a native plant community appropriate for the ecoregion. If the existing buffer is unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions, the buffer must either be planted to create the appropriate native plant community or be widened to ensure that the buffer provides adequate functions to protect the wetland;*

In alignment with Ecology's guidance, the criteria for wetland buffer increases, decreases, and averaging should be reviewed and updated as needed. To address existing uses within wetland buffers, it is recommended to include a new subsection for functionally disconnected buffers. The 'allowed uses in wetlands' should also be reviewed and updated for consistency with Ecology's model ordinance.

3.4.4 Wetland mitigation plan requirements

In the new subsection SWMC 17.65.250, the mitigation plan requirements should be updated for consistency with Ecology Publication No. 22-06-014, including updating the subsection on compensatory mitigation, revising the preferred order of compensatory mitigation approaches consistent with Ecology Publication No. 21-06-003 and incorporating a new subsection to describe criteria and standards for the compensatory mitigation approach of "wetland preservation." To give regulators and applicants a functions-based alternative to establish mitigation ratios, the City could consider including the credit/debit method as a mitigation approach.

For ease of implementation, it is recommended to combine all mitigation ratios into one table, consistent with the standards in Ecology Publication No. 22-06-014.

4. AQUIFER RECHARGE AREAS (ARTICLE 3)

This section addresses code applicable to Article 3: Aquifer Recharge Areas as described in SWMC 17.65.300-17.65.360. A summary of recommended updates is provided in Table 10.

Table 10. Aquifer Recharge Area review summary.

Code Section	Title	Review Comment and Recommendations	Reason for Recommendation
17.65.300	Aquifer recharge areas.	1. Update terminology to "Critical Aquifer Recharge Area" throughout section. 2. Add intent language to identify groundwater resources at risk and activities and uses that impact groundwater quality. 3. Consider adding protection measures to reinforce groundwater quality and quantity protection. 4. Consider changing "regulation" to "Chapter".	1. Clarity 2. BAS 3. BAS 4.Clarity/ Consistency
17.65.310	Aquifer recharge area designations.	1. Consider adding reference to the City's critical area map for identifying CARAs 2. Consider listing the criteria for CARA designations using WAC 365-190-100(4)(b) as a guide. 3. Remove reference to saltwater intrusion, as it is not applicable to Sedro-Woolley's hydrogeologic setting. 4. Consider adding reference the Washington State Department of Health (DOH) Source Water Assessment Program (SWAP) map for wellhead protection.	1. Clarity 2. Clarity/BAS 3. Unnecessary due to location 4. Clarity/BAS

Code Section	Title	Review Comment and Recommendations	Reason for Recommendation
17.65.320	Aquifer recharge applicability and prohibited activities.	1. Revise section title to *"Critical Aquifer Recharge Areas Performance Standards – General Requirements"*. 2. Consider adding impact avoidance and minimization standards 3. Consider adding Best Management Practices (BMP) to reduce the risk of groundwater contamination. 4. Consider relocating and expanded prohibited uses. 5. List activities subject to additional assessment or prohibition.	1. Clarity/BAS 2. BAS 3. BAS 4. Clarity 5. Clarity
17.65.330	Aquifer recharge initial project review.	1. Revise section title to Critical Aquifer Recharge Areas Performance Standards – Specific Uses 2. Update list of activities regulated in CARAs to reflect: • Broader set of activities with potential groundwater impacts • Updated state and federal regulatory citations • Expanded applicability 3. Specify prohibited uses in all CARAs based on their potential to contaminate groundwater resources. 4. Consider deleting site assessment information.	1. Clarity 2. BAS 3. BAS/Clarity 4. Clarity

Code Section	Title	Review Comment and Recommendations	Reason for Recommendation
17.65.340	Aquifer recharge site assessment report.	1. Revise section title to *"Critical Aquifer Recharge Area Hydrogeologic Assessment"*. 2. Consider updating all references from *"site assessment"* report to *"hydrogeologic assessment"* 3. Consider adding that the hydrogeologic assessment must be prepared by a qualified professional with appropriate groundwater expertise. 4. Consider clarifying applicability criteria. 5. Consider revising the requirements for a hydrogeologic assessment	1. Clarity 2. BAS, Clarity 3. BAS 4. Clarity 5. BAS
17.65.350	Aquifer recharge area mitigation.	No recommendations	N/A
17.65.360	Aquifer recharge public notice and review.	Cross reference projects identified in Section 17.65.330 to require public notice.	Clarity

4.1 Aquifer recharge areas (SWMC 17.65.300)

For consistency with state critical areas terminology, it is recommended that SWMC 17.65.300 update the term "Aquifer Recharge Areas" to "Critical Aquifer Recharge Areas" throughout the section, consistent with WAC 365-190-030.

To strengthen implementation, it is recommended that this section includes clearer intent language establishing the purpose of the CARA regulations. Such intent language should identify groundwater resources that are vulnerable to contamination or depletion, identify activities and uses that may adversely affect groundwater quality and quantity, and emphasize the importance of protecting existing and future beneficial uses of groundwater.

Additionally, it is recommended that SWMC 17.65.300 more clearly reinforce groundwater protection principles consistent with best available science and applicable state law. This could include articulating expectations for avoidance, minimization, and prevention of groundwater degradation, and clarifying consistency with relevant RCW and WAC provisions governing groundwater quality, drinking water protection, and antidegradation. Establishing this intent would provide a clearer policy foundation for detailed CARA performance standards, assessments, and mitigation requirements that follow in subsequent sections.

For clarity and internal consistency, it is further recommended that references to "regulation" be revised to "chapter" where appropriate.

4.2 Aquifer recharge area designations (SWMC 17.65.310)

To improve clarity and implementation of the CARA regulations, it is recommended that Section 17.65.310 include an explicit reference to the City's adopted critical area maps for purposes of identifying Critical Aquifer Recharge Areas. Referencing mapped information would improve consistency with mapping practices used elsewhere in the CAO and provide clearer guidance to applicants and reviewers when determining whether a project site is located within a CARA.

It is recommended that the CARA designation categories and criteria be more clearly articulated using WAC 365-190-100(4)(b) as a guide. Aligning local CARA designation criteria with state guidance would strengthen consistency with best available science, clarify the basis for categorizing CARAs, and improve transparency regarding why certain areas are subject to higher levels of protection.

Due to Sedro-Woolley's inland location and hydrogeologic setting, it is recommended that references to saltwater intrusion be removed from the CARA designation criteria, as this condition is not applicable within the city and may cause confusion regarding groundwater risks.

Finally, the City could consider referencing the Washington State Department of Health (DOH) Source Water Assessment Program (SWAP) maps as part of the CARA designation framework, particularly for identifying and protecting Group A wellhead protection areas. Incorporating DOH source water assessment information would support coordination with state drinking water protection programs and improve identification of groundwater resources critical for public water supply.

4.3 Aquifer recharge applicability and prohibited activities (SWMC 17.65.320)

For clarity and organization, it is recommended to revise the title of this subsection to "*Critical Aquifer Recharge Areas Performance Standards – General Requirements*" to clearly distinguish these general standards from the use-specific performance standards addressed in subsequent sections.

To improve consistency with the overall CAO framework and Ecology guidance for critical aquifer recharge areas, the City could consider adding explicit impact avoidance and minimization standards applicable to development within CARAs. Incorporating these standards, including reference to mitigation sequencing, would clarify expectations that potential groundwater impacts should first be avoided, then minimized, before mitigation is considered.

It is also recommended that Best Management Practices (BMPs) be incorporated into this section to reduce the risk of groundwater contamination. Including BMP requirements and examples applicable to CARAs, such as spill prevention measures, stormwater management controls, and hazardous material handling practices, would provide clearer and more enforceable standards to protect groundwater quality.

For improved code organization and implementation, the City could consider relocating prohibited uses and activities that require additional assessment or review to SWMC 17.65.330. Consolidating these provisions would allow SWMC 17.65.320 to focus on general performance standards, while clearly identifying higher-risk activities in a dedicated use-specific section. As part of this approach, the City could also consider expanding the list of prohibited uses and activities that require assessment, and referencing applicable WAC provisions where appropriate, to better align with state regulatory programs governing groundwater protection.

4.4 Aquifer recharge initial project review (SWMC 17.65.330)

For clarity and consistency, it is recommended to revise the title of this subsection to *"Critical Aquifer Recharge Areas Performance Standards – Specific Uses"* to clearly distinguish use-specific standards from the general performance standards addressed in SWMC 17.65.320.

To improve groundwater protection and regulatory clarity, the City could consider updating the list of activities regulated within CARAs to reflect a broader range of uses with the potential to adversely affect groundwater quality or quantity. This could include expanding the list of regulated activities, updating state and federal regulatory citations, and clarifying applicability to better align with current RCW, WAC, and federal regulatory frameworks governing hazardous materials, waste management, and water quality protection.

This subsection could be strengthened by specifying uses that are prohibited in all CARAs based on the probability and of their adverse effects on groundwater resources. Clearly identifying prohibited uses would help distinguish high-risk activities that are incompatible with groundwater protection from those that may be subject to review and conditioning.

Finally, the City could consider removing site assessment language from this subsection and addressing assessment requirements in a separate section. Relocating site assessment provisions would improve code organization, reduce redundancy, and clarify that hydrogeologic assessments are addressed comprehensively elsewhere in the CARA regulations.

4.5 Aquifer recharge site assessment report (SWMC 17.65.340)

For clarity, it is recommended to revise the title of this subsection to "Critical Aquifer Recharge Area Hydrogeologic Assessment" to better reflect the purpose and technical focus of the section.

To improve consistency and avoid confusion with other critical area or geologic site assessments, the City could consider updating all references from "site assessment" report to "hydrogeologic assessment" throughout the CARA chapter. This terminology aligns with state guidance and professional practice.

It is recommended that the code specify that a hydrogeologic assessment must be prepared by a qualified professional with appropriate groundwater and hydrogeologic expertise. Clarifying professional qualifications would strengthen technical credibility, support defensible decision-making, and ensure that assessment conclusions are based on relevant training and experience.

The City should consider clarifying applicability criteria for when a hydrogeologic assessment is required. Clearly identifying the types of activities, locations, or conditions that trigger an assessment, as well as any limited exceptions, would improve predictability for applicants and provide clearer directions for staff review.

Finally, it is recommended that the required contents of a hydrogeologic assessment be revised to ensure alignment with accepted report standards. Refining these requirements would promote consistency, completeness, and clarity in submitted reports, and better support review of groundwater risks, proposed mitigation measures, and long-term protection of aquifer recharge functions.

4.6 Aquifer recharge public notice and review (SWMC 17.65.360)

It is recommended that this section includes a clear cross-reference to the projects and activities identified in SWMC 17.65.330 to specify that these projects are subject to public notice. Explicitly linking public notice requirements to the types of higher-risk uses regulated under SWMC 17.65.330 would improve transparency, support informed public participation, and clarify procedural expectations for developments with the potential to affect critical aquifer recharge areas.

5. GEOLOGICALLY HAZARDOUS AREAS (ARTICLE 4)

This section addresses code applicable to Article 4: Geologically Hazardous Areas as described in SWMC 17.65.400-17.65.440. A summary of recommended updates is provided in Table 11.

Table 11. Geologically Hazardous Areas review summary.

Code Section	Title	Review Comment and Recommendations	Reason for Recommendation
17.65.400	Geologically hazardous area designations.	Update definition reference to WAC 365-190-030.	WAC
17.65.410	Geologically hazardous area initial project review.	1. Update geologically hazardous area designation descriptions to comply with WAC 365-190-120. 2. Remove references to Coastal Zone Atlas.	1. Clarity/ applicability 2. Geographic location
17.65.420	Geologically hazardous area site assessment requirements.	Provide clarity on when a geologically hazardous area site assessment is required.	Clarity
17.65.430	Geologically hazardous area mitigation standards.	1. Increase the minimum buffer width for landslide and erosion hazard areas with a vertical relief greater than 50 feet. 2. Require a quantitative analysis using a slope stability model prior to authorizing an alteration or buffer reduction for geologically hazardous areas.	1. BAS 2. BAS
17.65.440	Geologically hazardous area public review and record.	No comments or recommendations	N/A

5.1 Geologically hazardous area designations (SWMC 17.65.400)

It is recommended to revise the reference for the definitions of geologically hazardous areas from WAC 165-195-080(4) to WAC 365-190-030.

5.2 Geologically hazardous area initial project review (SWMC 17.65.410)

To ensure consistency with state law, it is recommended to update each geologically hazardous area designation criteria to comply with WAC 365-190-120. Additionally, the City could consider removing all references to the Washington State Department of Ecology Coastal Zone Atlas due to the geographic location of the City of Sedro-Woolley.

5.3 Geologically hazardous area site assessment requirements (SWMC 17.65.420)

To provide consistent application of the regulations, it is recommended that the code provide clearer direction for when a geologically hazardous area site assessment is required. To improve implementation, it is recommended that the director be required to determine whether the proposed development activity is located within 200 feet of an area of known or suspected risk as identified in Section 17.65.410, or within a distance from the base of a landslide hazard area equal to the vertical relief. If the director determines that the geologic conditions may pose a risk to life, property, or other critical areas on or off the project site, a geologically hazardous area site assessment, as outlined in this section, shall be required.

5.4 Geologically hazardous area mitigation standards (SWMC 17.65.430)

To reduce risk to life safety and property damage, it is recommended to increase the minimum buffer width from 30 feet to 50 feet for landslide and erosion hazard areas with a vertical relief greater than 50 feet, similar to Skagit County. Additionally, the City should consider requiring a quantitative analysis using a slope stability model prior to authorizing an alteration or buffer reduction for geologically hazardous areas.

6. FISH AND WILDLIFE HABITAT CONSERVATION AREAS (ARTICLE 5)

This section addresses code applicable to Article 5: Fish and Wildlife Habitat Conservation Areas as described in SWMC 17.65.500-17.65.530. A summary of recommended updates is provided in Table 12.

Table 12. Fish and Wildlife Habitat Conservation Areas review summary.

Code Section	Title	Review Comment and Recommendations	Reason for Recommendation
17.65.500	Fish and wildlife habitat conservation area designations.	1. Add a cumulative-impact review standard to the FWHCA provisions. 2. Relocate and revise list of designated FWHCAs from Subsection 17.65.510(B) to align with WAC 365-190-130. 3. Review habitats of local significance using the WDFW PHS maps.	1. WDFW guidance 2. BAS and WAC 365-190-130 3. BAS
17.65.510	Fish and wildlife habitat conservation areas initial project review.	Clarify difference between FWHCA site assessment and habitat management plan.	Clarity and WDFW guidance
17.65.520	Fish and wildlife habitat conservation area site assessment requirements.	1. Review and revise reporting requirements for site assessment and revise terminology. 2. Review and revise reporting requirements for a habitat management plan. 3. Suggest cross-referencing mitigation requirements under SWMC 17.65.160. 4. Include measures for bolstering climate resilience that increase habitat connectivity.	1. Clarity 2. BAS 3. BAS 4. WDFW guidance

Code Section	Title	Review Comment and Recommendations	Reason for Recommendation
17.65.530	Fish and wildlife habitat conservation area mitigation standards.	1. Clarify extent of riparian buffer area and when associated wetlands are present, the most protective buffer shall apply. 2. Review riparian forest functions and update. 3. Consider including minimum vegetative buffer standards. 4. Review WDFW's Riparian Management Zone (RMZ) approach for stream protection. 5. Review and update criteria for increasing standard buffer widths. 6. Revise decreasing buffer width criteria to be only applied for reasonable use exceptions. 7. Add a functionally disconnected buffer provision. 8. Review allowed structures, uses, and activities. 9. Revise the allowance for "limited park or recreational access to FWHCA" to "Public and private nonmotorized trails" and update criteria. 10. Consider removing timber allowance and referring to DNR Forest Practice Rules. 11. Clarify protections for bald eagles and applicability.	1. WDFW guidance 2. WDFW guidance 3. BAS 4. WDFW guidanceB and BAS 5. WDFW guidance 6. BAS 7. BAS 8. BAS and WDFW guidance 9. WDFW guidance 10. Relevance 11. Consistency

6.1 Fish and wildlife habitat conservation area designations (SWMC 17.65.500)

It is recommended to include a cumulative-impact review standard to the FWHCA provisions to align with best available science. Additionally, the City could improve clarity by relocating the existing designation criteria from Subsection 17.65.510(B) and revising the list of designated FWHCAs for consistency with WAC 365-190-130. The City should consider adding a new subsection that includes that additional species and habitats of local importance include areas in which state-listed priority species are found, have a primary association with, or contain suitable habitat for said listed species, as listed on the Washington Department of Fish and Wildlife's Priority Habitats and Species (PHS) list should be included.

6.2 Fish and wildlife habitat conservation areas initial project review (SWMC 17.65.510)

To improve clarity, it is recommended to establish the difference between FWHCA site assessment and habitat management plan and the corresponding report requirements in SWMC 17.65.520 to improve application.

6.3 Fish and wildlife habitat conservation area site assessment requirements (SWMC 17.65.520)

It is recommended to review and revise reporting requirements for site assessments and provide a distinction between site assessments and habitat management plans. To aid this implementation, the reporting requirements for a habitat management plan should also be reviewed and revised to align with WDFW guidance. To provide consistency between other sections, it is recommended to cross reference the mitigation requirements under SWMC 17.65.160. In alignment with WDFW guidance, measures for bolstering climate resilience that increase habitat connectivity could be incorporated, including that mitigation sites should be located to preserve or achieve contiguous wildlife habitat corridors to minimize the isolating effects of development on habitat areas.

6.4 Fish and wildlife habitat conservation areas standards (SWMC 17.65.530)

This section should be revised to clarify the extent of riparian buffer area and that the measurements should be taken from the ordinary high water mark or the edge of a channel migration zone, where present, in alignment with WDFW guidance. Clarity should also be added that when associated wetlands are present, the most protective buffer shall be applied. The riparian forest functions should be reviewed and updated to include pollution control and detrital nutrient input to align with BAS. Riparian buffer areas are expected to be fully vegetated to provide the necessary functions and values to protect riparian habitat and species. As such, the City should consider incorporating minimum vegetative buffer standards.

In 2020, the Washington Department of Fish and Wildlife released new guidance (Rentz et al. 2020) for the protection of riparian areas. The guidance emphasizes a shift in terminology from the concept of "stream buffers" to "riparian management zones" (RMZs). A RMZ is defined as "…*a scientifically based description of the area adjacent to rivers and streams that has the potential to provide full function based on the SPTH [site potential tree height] conceptual framework*." Further, a RMZ is recommended to be regulated as a fish and wildlife habitat conservation area itself to protect its fundamental value, rather than as a buffer for rivers and streams (Quinn et al. 2020). Stream buffers are established in local critical areas ordinances based on best available science and are intended to protect streams but may or may not provide full riparian function or a close approximation of it.

To achieve full riparian function, the guidance recommends that RMZs be considered a delineable, regulatory critical area and that the guidance be applied to all streams and rivers, regardless of size and type. Washington Department of Fish and Wildlife's current recommendations for establishing RMZ widths are based primarily on a site potential tree height framework. The site potential tree height is defined as "…the average maximum height of the tallest dominant trees (200 years or more) for a given site class." Exceptions may occur where site potential tree height is less than 100 feet, in which case the agency recommends assigning a RMZ width of 100 feet at a minimum to provide adequate biofiltration and infiltration of runoff for water quality protection from most pollutants, but also in consideration of other habitat-related factors including shade and wood recruitment. A 100-foot-wide buffer is estimated to achieve 95% pollution removal and approximately 85% surface nitrogen (Rentz et al. 2020). Washington Department of Fish and Wildlife recommends measuring RMZ widths from the outer edge of the channel migration zone, where present, or from the ordinary high water mark where a channel migration zone is not present.

Riparian management zones or buffers that vary by location may present practical challenges for implementation and have considerations in equity. To analyze the potential range of $SPTH_{200}$ in the City of Sedro-Woolley, Facet conducted a review of the data available from the WDFW Site Potential Tree Height Mapping Tool, as described below. All overlapping polygons were removed so only polygons with the greatest $SPTH_{200}$ value in each area are included. When multiple $SPTH_{200}$ values for various species were provided, only the largest $SPTH_{200}$ value was used in this calculation. The $SPTH_{200}$ RMZ widths in Sedro-Woolley range from 100 ft to 245 ft (Figure 1).

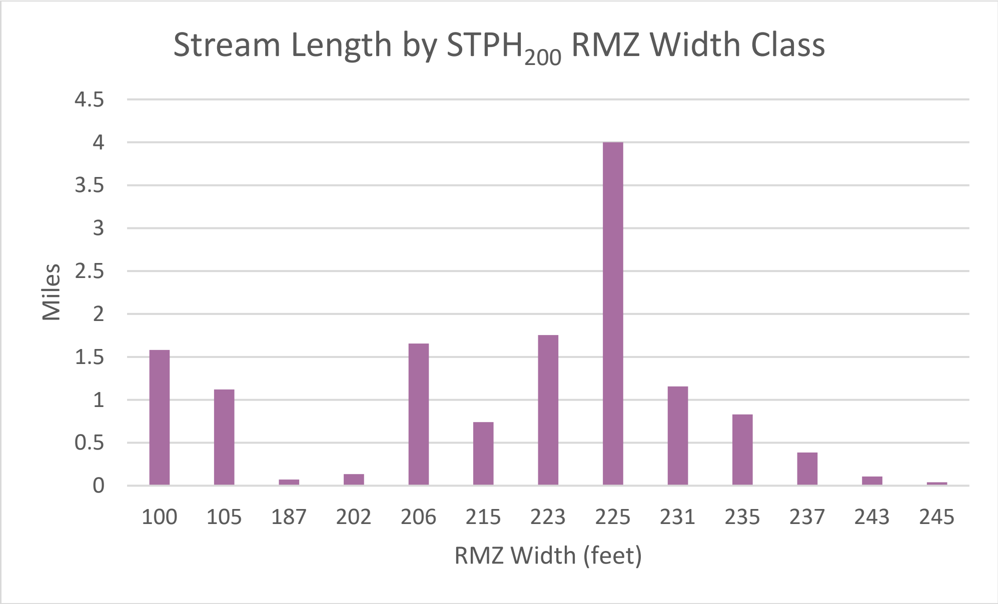
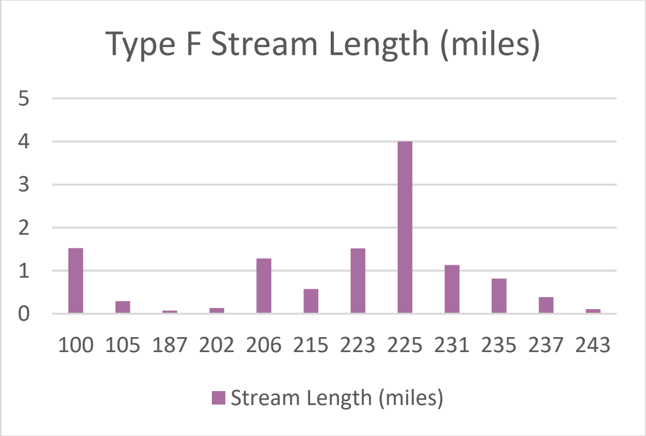


Figure 1. Chart of the length of stream in each SPTH RMZ width class in Sedro-Woolley using data from the WDFW $SPTH_{200}$Mapping Tool.

There are approximately 11.8 miles of Type F streams and 1.7 miles of Type N streams within Sedro-Woolley's incorporated and UGA areas. Ten (10) miles of Type F streams (85%) are in an $SPTH_{200}$ RMZ width class above 200 feet (Figure 2). For Type N streams, 50% (0.89 miles), by stream length, are in the 105-foot $SPTH_{200}$ RMZ width class (Figure 3).



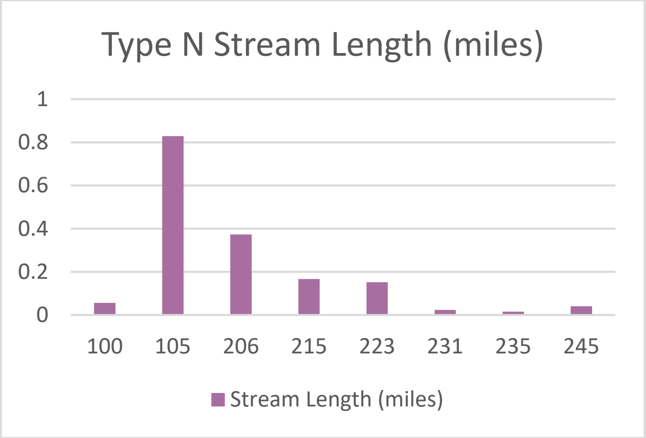


Figure 2. Stream Length for each Stream Type in $SPTH_{200}$ RMZ Width Class.

Figures 3 and 4 illustrate where the riparian buffers are located, along with a comparison of buffer widths on streams in the north area of the City.

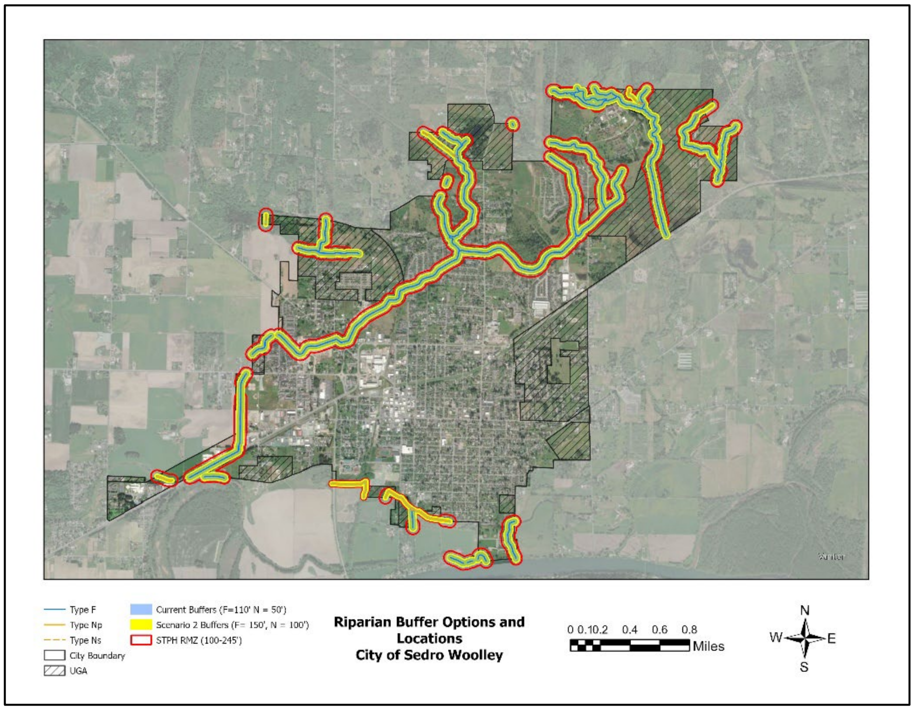


Figure 3. Map of Buffer and RMZ distribution in Sedro-Woolley.

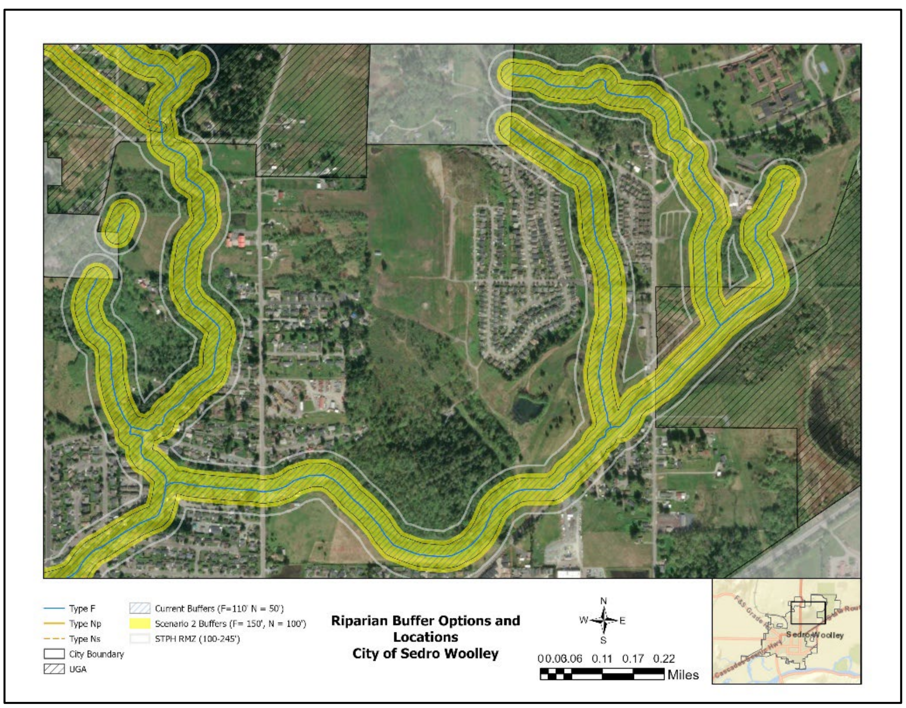


Figure 4. Map of Buffers and RMZs in the North Area of Sedro-Woolley.

As a part of the CAO update, it is recommended that Sedro-Woolley consider whether to follow WDFW recommended RMZ approach to stream classifications and buffer widths, including whether to incorporate the $SPTH_{200}$ Mapping Tool as part of stream buffer protection standards. This includes consideration of extending the buffer from the edge or channel migration zone or OHWM, whichever is greater, to align with the RMZ buffer recommendations in Rentz et al. (2020).

It is recommended that Sedro-Woolley further define water types by adopting WAC 222-16-030 by reference. The "DNR water types" have been subject to change over time, and this would avoid potential ambiguity. Additionally, the table implies that buffers extend only from the OHWM of streams. This should clarify that buffers extend from the OHWM of all aquatic priority habitats including lakes, ponds, streams, rivers, streams, and all other Waters of the State.

To better align with WDFW guidance, it is recommended to replace the "Water Type Riparian Buffer" table with Table 17.65.530-1, Standard Riparian bufferAreas Widths, to include riparian buffer area widths consistent with BAS and update water typing system for consistency with WAC 222-16-031. The Stream Buffer and Riparian Management Zone (RMZ) GIS Analysis Technical Memorandum dated April 9, 2026 (Appendix A) further describes scenarios for the City to consider.

A graphical representation of the Forest Ecosystem Management Assessment Team (FEMAT) Curves is shown in Figure 5, which are considered in WDFW's recommendations for establishing the dimensions of RMZs (Rentz et al. 2020). The figure depicts the effectiveness of several functions based on buffer width from the edge of a stream. $SPTH_{200}$ is a practical buffer dimension because it is large enough to protect nearly all riparian functions. However, the FEMAT curve also shows that further buffer increases yield diminishing returns and most buffer function is achieved at roughly 75 to 80 percent of $SPTH_{200}$.

Based on the GIS analysis conducted in Appendix A, the average $SPTH_{200}$ in Sedro-Woolley is 223 feet. 75 percent of a 223-foot RMZ equates to approximately 167 feet. These results reflect an analysis of all streams, regardless of stream type.

When considering only Type F streams (Types 2 and 3), 46 percent of the stream length occurs within RMZs that are 223 feet wide or narrower, and 54 percent occurs within RMZs that are 225 feet wide or wider. Given the similar proportions between all streams and Type F streams, the 165-foot RMZ remains an appropriate reference width for Type F streams as well. A 150 buffer with a 15-foot building setback would allow for this RMZ value to be met.

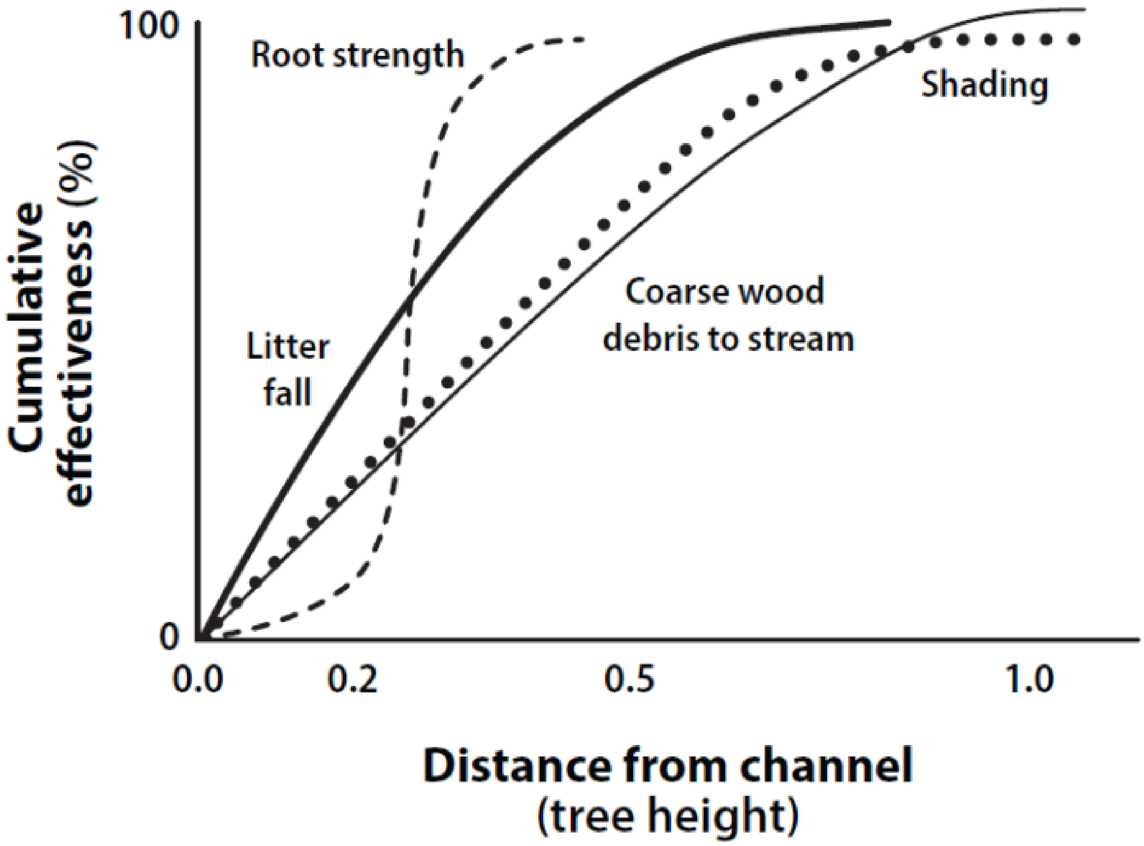


Figure 5. The "FEMAT Curves": a conceptual model of the contributions of key riparian ecosystem functions which influence aquatic ecosystems by distance and cumulative effectiveness. Tree height refers to the average relative height of the site potential tree height (reproduced from FEMAT 1993).

The existing stream buffer widths contained within SWMC 17.65.530.B includes the following:

Water Type Riparian Buffer

Type 1 and 2	200 feet
Type 3	110 feet
Type 4 and 5	50 feet

The City could also consider an option of including alternative riparian habitat area standards in lieu of the default widths when a critical area report is prepared by a qualified professional and demonstrates the riparian habitat area will protect riparian ecosystem functions as well as the default table. The standards could include that SPTH200 values may be obtained from the WDFW SPTH200 mapping datasets and tools for the City of Sedro-Woolley or may be calculated in the field using WDFW's Guidelines for Determining SPTH200 from Field Measurements (2025), or as amended, with documentation included in the critical area report. To ensure adequate pollution removal, in all cases the riparian habitat area shall not be less than one hundred (100) feet to ensure high pollutant removal efficacy. The critical area report should map riparian vegetation limits, document SPTH200 methods and values, and include a functions-based analysis comparing the proposed riparian habitat areas to the default widths.

If the City elects to adopt a proposed Type F stream buffer that does not align with the average SPTH200 buffer width observed throughout the City of Sedro-Woolley (223 feet, as noted above), the City should consider incorporating provisions to ensure that either: (1) buffers are fully vegetated and provide a high level of riparian function, or (2) buffer widths are increased by 33 percent. With these provisions, buffer enhancements should be required through an approved mitigation plan to achieve a minimum of 80 percent native plant cover representative of the appropriate native plant community. Decreased buffer width allowances should also be limited to reasonable use exceptions to better align with BAS.

Further, allowed structures, uses, and activities should be reviewed for consistency with WDFW guidance and for applicability. The provisions for docks should be deleted, and administration should be conducted through the Shoreline Master Program (SMP). To address existing uses within FWHCA buffers, it is recommended to include a new subsection for functionally disconnected buffers. It is also recommended that the allowance for "limited park or recreational access to FWHCA" be revised to "public and private nonmotorized trails," with updated and clearly defined criteria. The City should also consider removing provisions related to timber allowance and instead reference the DNR Forest Practices Rules, given their likely applicability within city limits. Lastly, due to changes in Bald Eagle protections, the City should consider clarifying applicable standards and the extent of those protections.

7. FLOOD HAZARD AREA (ARTICLE 6)

This section addresses code applicable to Article 6: Flood Hazard Area as described in SWMC 17.65.600. A summary of recommended updates is provided in Table 13.

Table 13. Flood Hazard Areas review summary.

Code Section	Title	Review Comment and Recommendations	Reason for Recommendation
17.65.600	Standards for flood hazard areas.	1. Revise title to "Standards for frequently flooded areas." 2. Crosswalk to Chapter 17.66 SWMC, Flood Damage Prevention.	1. Clarity 2. Clarity

7.1 Standards for flood hazard areas (SWMC 17.65.600)

For improved clarity, it is recommended to revise the title to "Standards for Frequently Flooded Areas" to more clearly reflect the scope and applicability of the regulations, and include a direct crosswalk to Chapter 17.66 SWMC, Flood Damage Prevention, to improve consistency, usability, and regulatory alignment across the code and help users easily identify and apply related flood hazard standards.

8. COMPLIANCE AND ENFORCEMENT (ARTICLE 7)

This section addresses code applicable to Article 7: Compliance and Enforcement as described in SWMC 17.65.700 - 17.65.760. A summary of recommended updates is provided in Table 14.

Table 14. Compliance and enforcement review summary.

Code Section	Title	Review Comment and Recommendations	Reason for Recommendation
17.65.710	Compliance with critical area regulations.	No comments or recommendations	N/A
17.65.720	Construction.	No comments or recommendations	N/A
17.65.730	Severability.	No comments or recommendations	N/A
17.65.740	State Environmental Policy Act.	Recommend relocating the SEPA information found in SWMC 17.65.060(C)(3) and (4) to this section.	Clarity
17.65.750	Liability disclaimer—Flood hazard areas.	Revise title to "Liability disclaimer—Frequently flooded areas."	Consistency

Code Section	Title	Review Comment and Recommendations	Reason for Recommendation
17.65.760	Enforcement of the critical areas regulations.	No comments or recommendations	N/A

8.1 State Environmental Policy Act (SWMC 17.65.740)

For improved clarity, it is recommended to relocate the SEPA-related information currently found in SWMC 17.65.060(C)(3) and (4) to this section to consolidate environmental review requirements in a more logical and accessible location, reduce redundancy across chapters, and improve clarity for applicants and reviewers by ensuring all relevant SEPA guidance is addressed alongside the substantive standards it most directly supports. This language could be revised as follows:

This chapter establishes minimum standards which are to be applied to specific land use and platting actions in order to prevent further degradation of critical areas in the city, and is not intended to limit the application of the State Environmental Policy Act (SEPA). Projects subject to SEPA shall be reviewed and may also be conditioned or denied under Chapter 2.88 SWMC.

Satisfaction of the requirements of this chapter shall also be sufficient to satisfy the requirement for critical areas analysis and mitigation pursuant to Chapter 43.21C RCW, the State Environmental Policy Act (SEPA), and Chapter 2.88, Environmental Policy.

The goals, policies and purposes set forth in this chapter shall be considered policies of the State Environmental Policy Act. When applicable the applicant must meet SEPA requirements.

8.2 Liability disclaimer—Flood hazard areas (SWMC 17.65.750)

For consistency with the proposed title revision is Article 6, it is recommended to revise the title of this subsection to “Liability disclaimer—Frequently flooded areas.”

9. REFERENCES

Ecology (Washington Department of Ecology). 2022. Wetland Guidance for Critical Areas Ordinance (CAO) Updates, Western and Eastern Washington. Publication #22-06-014, Washington State Department of Ecology, Shorelands and Environmental Assistance Program.

Ecology (Washington Department of Ecology), Corps (U.S. Army Corps of Engineers Seattle District), and EPA (U.S. Environmental Protection Agency Region 10). 2021. Wetland Mitigation in Washington State–Part 1: Agency Policies and Guidance (Version 2). Washington State Department of Ecology Publication #21-06-003. https://apps.ecology.wa.gov/publications/documents/2106003.pdf

Facet. 2025a. Skagit County Critical Areas Ordinance (CAO) BAS Review. Prepared for Skagit County. https://www.skagitcounty.net/PlanningAndPermit/Documents/compplan2025/Skagit%20County%20BAS%202.24.2025%20-%20FINAL.pdf.

Facet. 2025b. Technical Memorandum – Best Available Science (BAS) Review. Prepared for the City of Sedro-Woolley.

FEMAT (Forest Ecosystem Management Assessment Team). 1993. Forest ecosystem management: an ecological, economic and social assessment. U.S. Department of Agriculture and U.S. Department of the Interior, Portland, OR.

Hruby, T., and A. Yahnke. 2023. Washington State Wetland Rating System for Western Washington 2014 Update Version 2.0. Publication #23-06-009, Washington State Department of Ecology, Shorelands and Environmental Assistance Program.

Quinn, T., G. F. Wilhere, and K. L. Krueger. 2020. Riparian Ecosystems, Volume 1: Science Synthesis and Management Implications. Habitat Program, Washington Department of Fish and Wildlife, Olympia.

Rentz, T., A. Windrope, K. Folkerts, and J. Azerrad. 2020. Riparian Ecosystems, Volume 2: Management Recommendations. Habitat Program. Washington State Department of Fish and Wildlife, Olympia.

APPENDIX A. City of Sedro-Woolley Stream Buffer and Riparian Management Zone (RMZ) GIS Analysis

TECHNICAL MEMORANDUM

Date:	April 9, 2026
To:	City of Sedro-Woolley
From:	Dawn Spilsbury, GIS Analyst, Ecologist Rachel Henden, AICP, Planner Alexandra Plumb, Senior Planner
Project Name:	City of Sedro-Woolley Critical Area Ordinance Update
Facet Number:	2401.0458.00

Stream Buffer and Riparian Management Zone (RMZ) GIS Analysis

The Growth Management Act (GMA) requires counties and cities to designate critical areas and adopt policies and regulations for their protection under RCW 36.70A.040 and Washington Administrative Code (WAC) 365-196-830. WAC 365-196-830(2) requires critical areas and ecosystem protection including Fish and Wildlife Habitat Conservation Areas (FWHCAs). Further, RCW 36.70A.172 requires that, "*in designating and protecting critical areas under this chapter, counties and cities shall include the best available science in developing policies and development regulations to protect the functions and values of critical areas.*"

This technical memorandum presents the findings of an evaluation of stream protections in the City of Sedro-Woolley (Sedro-Woolley). Current buffer widths are reviewed relative to Washington Department of Fish and Wildlife (WDFW) recommendations and riparian functions. This analysis was prepared to support review of stream regulations for Sedro-Woolley's Critical Area Ordinance associated with the 2026 Comprehensive Plan periodic update.

In 2020, WDFW published a synthesis of best available science for riparian ecosystems (Quinn, Wilhere, and Krueger 2020) followed by management recommendations (Rentz et al. 2020). WDFW recommends regulating streams as riparian management zones (RMZs) with widths established based on a site potential tree height (SPTH) framework. The SPTH framework establishes RMZs based upon the height of a 200-year-old tree ($SPTH_{200}$). Where the $SPTH_{200}$ or the width of the riparian vegetative community is less than 100 feet, WDFW recommends assigning a RMZ minimum width of 100 feet to provide adequate biofiltration and infiltration of runoff for water quality protection from most pollutants and to consider other habitat-related factors. A 100-foot-wide buffer is estimated to achieve 95% overall pollution removal and approximately 85% surface nitrogen removal to protect water quality (Rentz et al. 2020). WDFW also recommends measuring RMZ widths from the outer edge of the channel migration zone, where present, or from the Ordinary High-Water Mark (OHWM) where a channel migration zone is not present.

The implementation of the $SPTH_{200}$ model is supported by WDFWs GIS-based online mapping tool[1] developed to assist in the determination of the $SPTH_{200}$ based on specific ecoregions. The WDFW guidance recommends the $SPTH_{200}$ model be applied for determining RMZ widths for all streams, regardless of stream type or size. Based on WDFWs Volume 1, the guidance suggests that there are no significant differences in riparian ecosystem functions along non-fish-bearing streams relative to fish-bearing streams (Rentz et al. 2020). Riparian functions, for all stream types, include support for aquatic and riparian-obligate wildlife; corridors for wildlife movement; inputs of matter and energy that benefit wildlife habitat; connection between riparian vegetation and geomorphic processes; and cool water contributions to downstream reaches (Rentz et al. 2020). This WDFW guidance represents a shift from the stream protection standards (e.g., protective buffers based on stream classification/type) that many jurisdictions, including Sedro-Woolley, currently utilize.

As current BAS, WDFW guidance must be considered when developing policies and regulations to protect critical area functions and values consistent with criteria under (WAC 365-195-915). In addition, WAC 365-195-925 requires special consideration to conserving and protecting anadromous fisheries including their habitat for all stages of life.

A GIS spatial analysis was conducted as a part of this review to evaluate the differences in current stream buffer extents relative to RMZs based on $SPTH_{200}$. This analysis also informs Facet's ongoing work with Sedro-Woolley.

Methodology

To evaluate the difference between the recommended RMZs and existing CAO buffers, available data was processed in GIS to create layers which contain all streams in Sedro-Woolley and buffers or RMZs in each scenario. This process began with the aggregation of relevant data, as detailed in 0. Sedro-Woolley has no federally-owned land and tribal lands, or areas zoned as commercial forest or conservation, which are typically excluded from the analysis because these areas are not usually regulated by the CAO. A small portion of the Skagit River was excluded from this analysis as a Type S water.

Sedro-Woolley currently uses the previous state water typing system (Types 1 through 5) that has since been replaced by the current standard (Type S, F, Np and Ns) as was described in WAC 222-16-031 (Table 1). The permanent water typing system, WAC 222-16-030 became permanent March 1, 2026. The stream types addressed include:

[1] WDFW SPTH200 Mapping Tool https://www.arcgis.com/home/item.html?id=23e7130c6279455c978ce48f96be8d3e

Table 1. Water Typing crosswalk[2]

Previous Water Typing	Current Water Typing
Type 1 – Large rivers	Type S – Shorelines of the State
Type 2 – Large fish streams	Type F
Type 3 – Smaller fish streams	Type F
Type 4 – Non-fish streams, perennial	Type Np
Type 5 – Non-fish streams, seasonal	Type Ns
	Type U – unclassified streams that need field verification Type X – various water features, such as artificially created and actively maintained irrigation ditches, sanitation ponds, pipelines

The data sources used in this GIS analysis are included in Table 2 below.

Table 2. Data and sources used in this analysis.

Data Type	Data Source	Last Updated
Streams	DNR Hydrography - Watercourses for Stream Typing WA Ecology National Hydrography Dataset (NHD) for Stream locations	2021 2025
$SPTH_{200}$	PHS Riparian Site Potential Tree Height (SPTH) Downloads, Sedro-Woolley https://fortress.wa.gov/dfw/public/PublicDownload/Habitat/PHSRMZInformation/index.htm	2024
Zoning	Washington State Zoning Atlas https://www.commerce.wa.gov/growth-management/data-research/waza/	2026
UGAs	WA Geospatial Open Data Portal https://geo.wa.gov/	2023

[2] Forest Practices Water Typing | Department of Natural Resources

Data Type	Data Source	Last Updated
City Boundary	WA Geospatial Open Data Portal https://geo.wa.gov/	2023

The stream layer for the assessment was created using the WA Ecology NHD layer and applying Type F or N stream typing from the DNR Hydrocourses layer. The Stream typing was further delineated into Type Np and Type Ns using the Fcode field from the NHD layer that delineates perennial and intermittent, respectively.

Three (3) scenarios were created to assess different buffer applications and corresponding potential impact. The three scenarios are listed in Table 3 below. Streams were buffered according to their stream type using the Type 3, Type 4 and Type 5 values from the current CAO (Scenario 1), $SPTH_{200}$ values (Scenario 3) and one additional alternative scenario. Scenario 2 widths have been approved in several other jurisdictions, such as Skagit County. The $SPTH_{200}$ RMZs were generated using the $SPTH_{200}$ values provided by WDFW. While Table 3 includes several scenarios, these are not intended to be the only options the City can consider during the update of the CAO.

Table 3. Sedro-Woolley stream buffers per SWMC 17.65.530.B, $SPTH_{200}$ and an alternate scenario. All widths are in feet (ft).

Stream Type	Existing Regulatory Width	Scenario 2	$SPTH_{200}$
Type 1 (Type S)	200	SMP Jurisdiction	100-245
Type 2 (Type F)	200	150	
Type 3 (Type F)	110	150	
Type 4 (Type Np)	50	100	
Type 5 (Type Ns)	50	100	

Results

There are no $SPTH_{200}$ Polygons in the WDFW data for the downtown area of Sedro-Woolley. However, there are no streams noted in this area, either. Therefore, the gap in $SPTH_{200}$ data has a minimum impact on the assessment. RMZ widths vary between 100 feet and 245 feet (Figure 1).

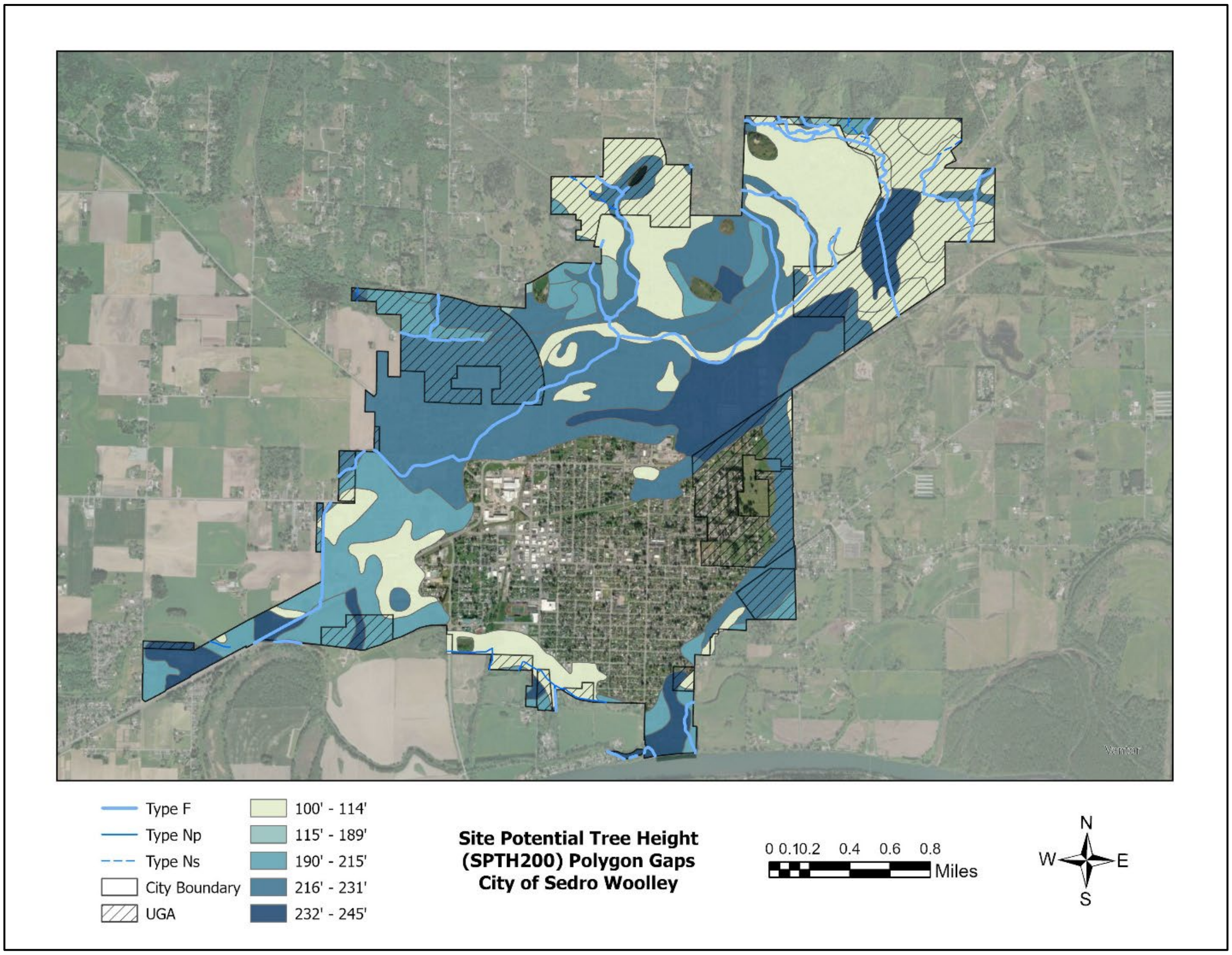


Figure 1. Map of $SPTH_{200}$ polygon gaps in relation to stream locations.

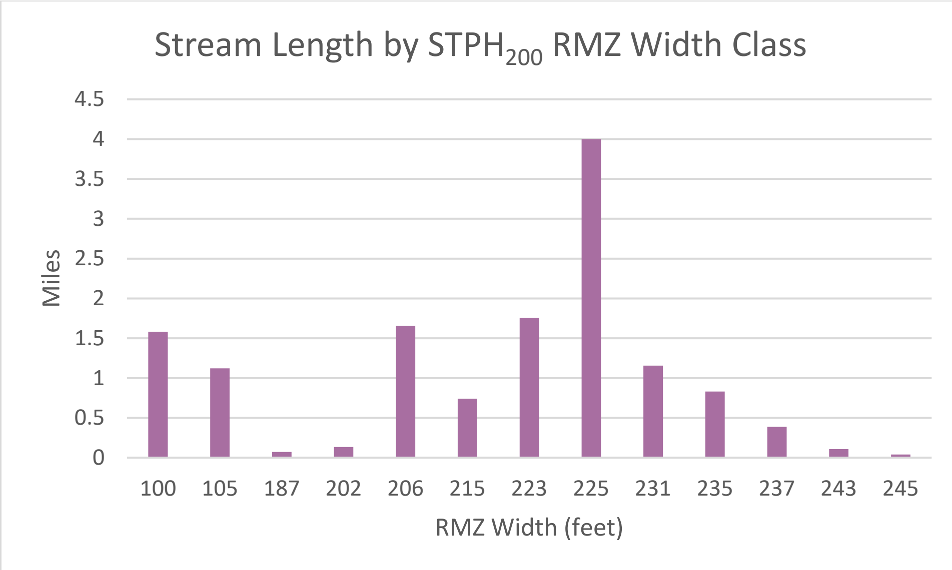
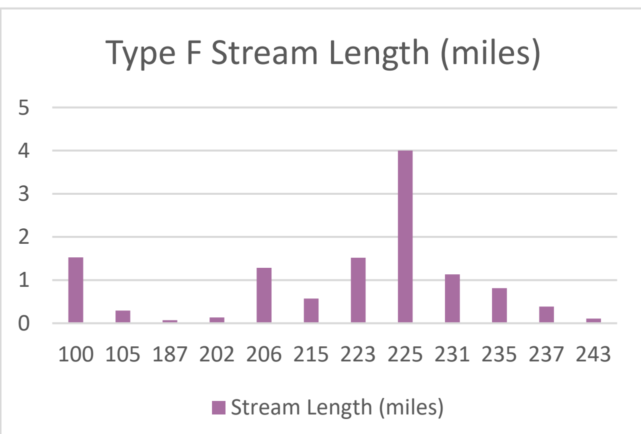


Figure 2. Distribution of $SPTH_{200}$ RMZ widths by stream length

There are approximately 11.8 miles of Type F streams and 1.7 miles of Type N streams within Sedro-Woolley's incorporated and UGA areas. Ten (10) miles of Type F streams (85%) are in an $SPTH_{200}$ RMZ width class above 200 feet. For Type N streams, 50% (0.89 miles), by stream length, are in the 105-foot $SPTH_{200}$ RMZ width class (Figure 3).



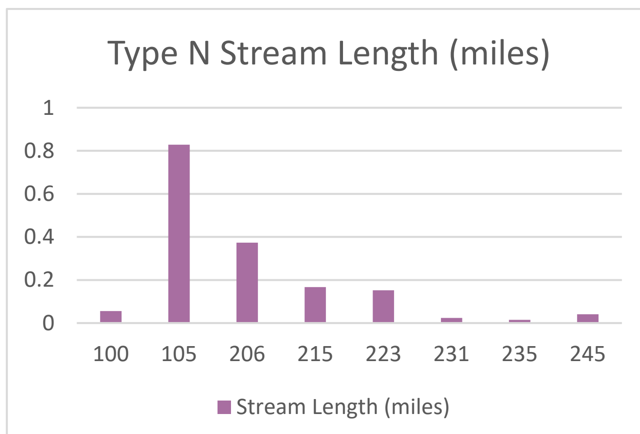


Figure 3. Stream length for each Stream Type in $SPTH_{200}$ RMZ Width Classes.

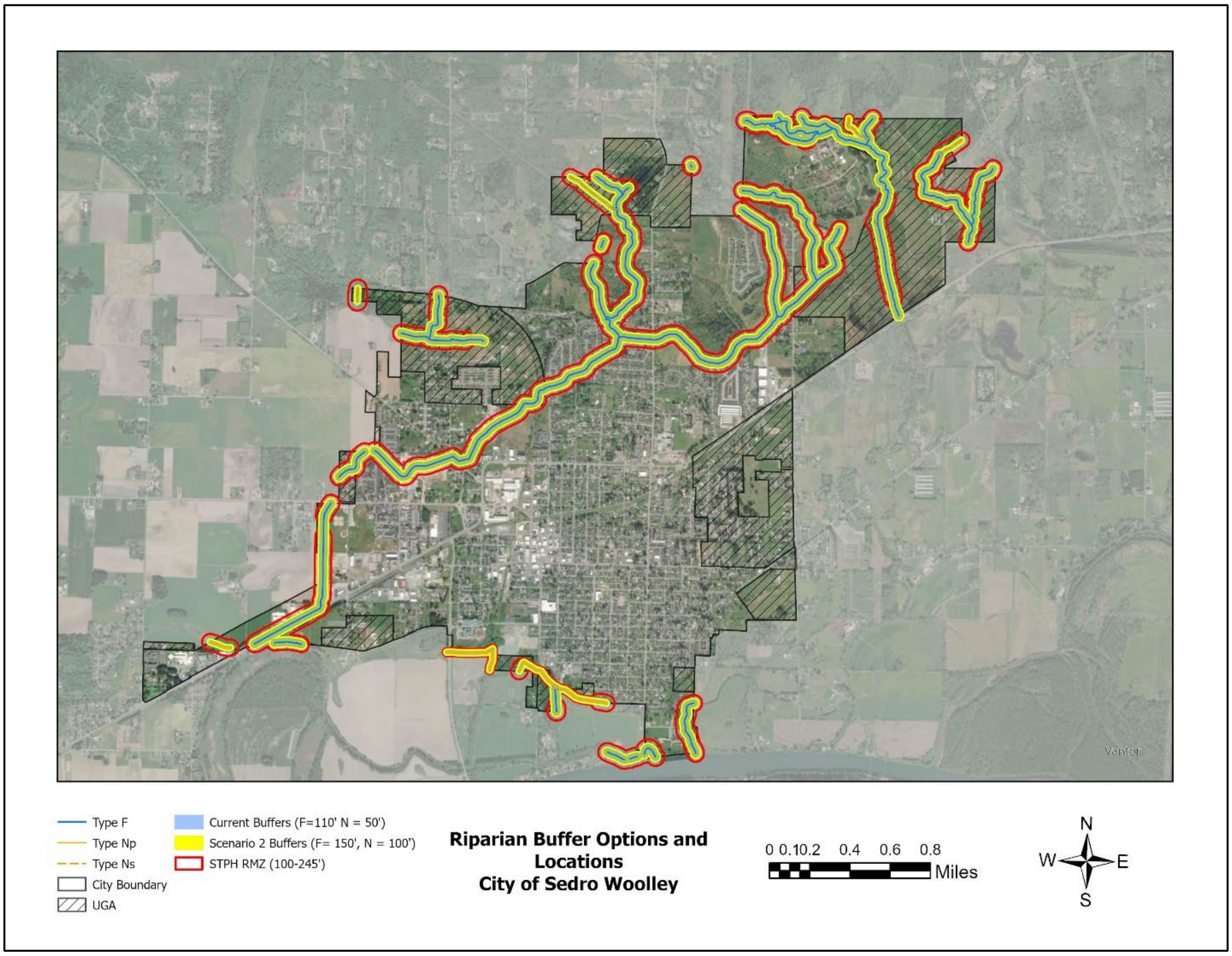


Figure 4. Map of Buffer and RMZ distribution in Sedro-Woolley.

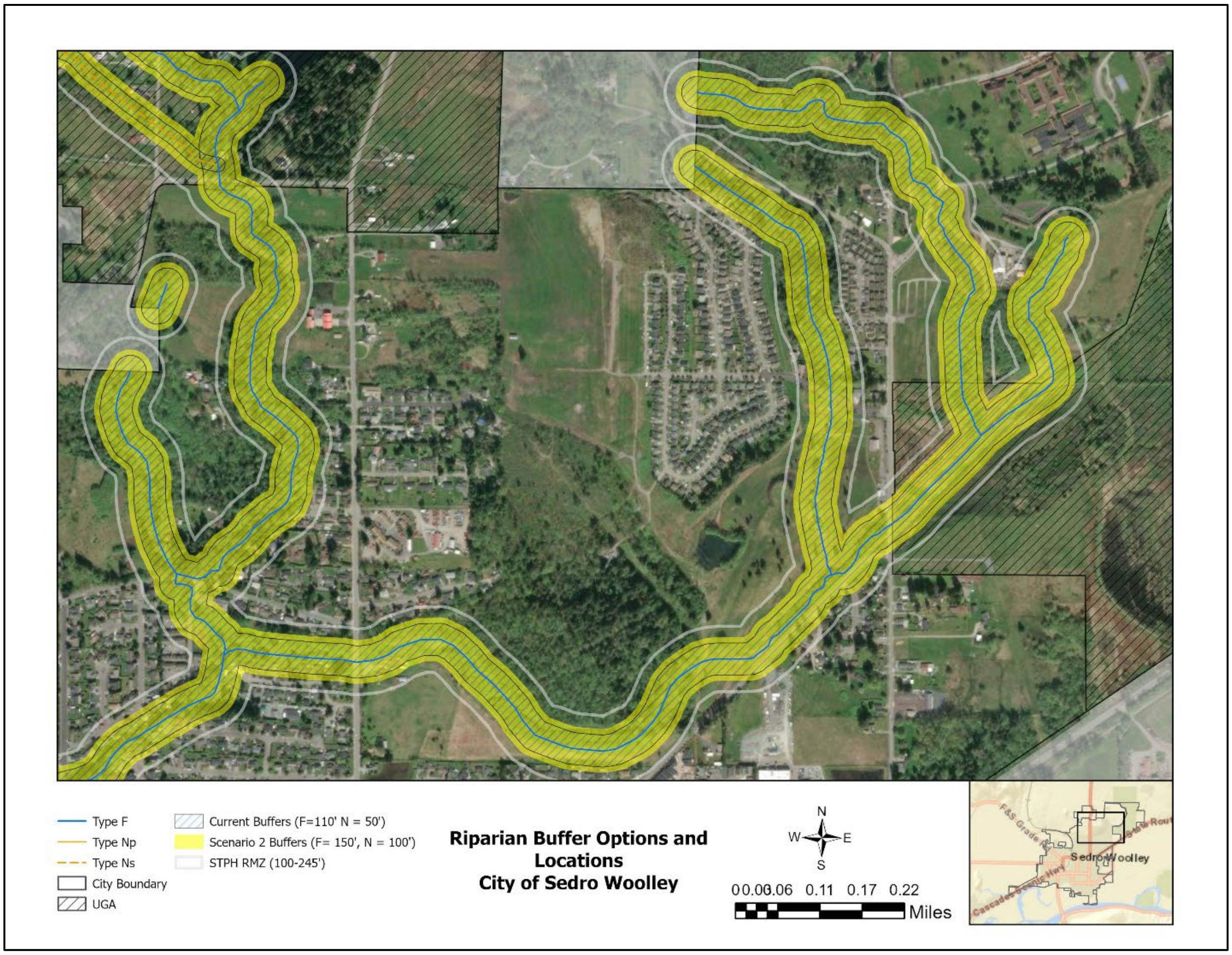


Figure 5. Map of Buffers and RMZs in the North Area of Sedro-Woolley.

Assumptions

It should be noted that this assessment was conducted as a screening tool only and some assumptions were applied based on the publicly available data.

WDFW's $SPTH_{200}$ values are assigned within polygons that correspond to soil types and tree productivity information. Many of these polygons contain multiple RMZ widths based on different dominant tree species. For this assessment, the largest RMZ was used. The result is that if an area is actually forested with a different dominant tree species, the $SPTH_{200}$ RMZ width may be narrower. By using the maximum RMZ value possible, this assessment may overestimate RMZ widths and potential impacts.

Discussion

As Sedro-Woolley considers this assessment, we recognize stream regulations will be reviewed from an implementation feasibility perspective and are balanced with other Growth Management Act (GMA) requirements, including the 15 goals of the GMA. Pursuant to WAC 365-195-915, when nonscientific information, including legal, social, cultural, economic, or political considerations, is used to support critical area policies or regulations that depart from recommendations based on the best available science, the record must: (1) identify the nonscientific information relied upon to justify the departure; (2) explain the rationale for deviating from science-based recommendations; and (3) identify any potential risks to climate resiliency and to the functions and values of the affected critical area(s), along with any additional measures adopted to mitigate such risks.

The following WDFW riparian management recommendations should also be considered for implementation (Rentz et al. 2020):

- Maintaining and improving functions through regulatory and voluntary means,
- Increased regulations for clearing and grading activities within RMZs,
- Expanding Habitat Management requirements
- Implementing stricter exemption requirements.
- Identifying and prioritizing restoration,
- Maintaining and improving riparian connections, and
- Applying low impact development (LID) stormwater management.

Additional strategies that Sedro-Woolley can consider to improve protection of riparian areas are described in the WDFW Riparian Management Zone Checklist for Critical Areas Ordinances[3], which is a voluntary list of considerations in addition to the Commerce CAO Checklist. These strategies include:

- **Restore or Enhance Riparian Vegetation**
    - For riparian/stream buffer areas to provide intended functions they are presumed to be densely vegetated with native trees, shrubs and groundcover plants typical of our ecoregion. Restoration actions recommended by WDFW include protecting existing habitat, connecting fragmented habitats, restoring natural processes, and creating or enhancing habitat. The City could consider buffer averaging or reductions where the existing buffer is in poor condition, provided that enhancement measures to address those conditions are incorporated into development proposals.
- **Improve Water Quality**
    - WDFW recommends a minimum 100-foot buffer width to provide for adequate pollutant removal to protect water quality as described earlier in this memo (Quinn, Wilhere, and Krueger 2020; Rentz et al. 2020). Water quality can also be supported by

[3] WDFW RMZ Checklist for Critical Areas Ordinances, August 2023: rmrcaochecklist.pdf

incentivizing low impact development and/or Salmon-Safe project certifications, where appropriate.

- **Mapping Restoration Areas**
  - The City could consider mapping areas to pinpoint the best sites to restore considering connectivity and adjacency to other mapped Priority Habitats.
- **Incentives to Daylight Streams**
  - To support restoration, the City may choose to provide regulations that specifically address daylighting streams at sites with existing legally established nonconforming uses. For stream daylighting or enhancement projects, this may include riparian vegetation improvements, increasing off-channel habitat, reversing channel incision, improving channel morphology, improving streambank stability, and increased quantity of large woody debris (Rentz et al. 2020).
- **Reinforcing Mitigation Sequencing**
  - To reduce unnecessary habitat impacts within riparian ecosystems, it is recommended to provide improved regulations for mitigation sequencing. As described in WAC 365-196-380, "*Avoidance is the most effective way to protect critical areas*". Applicants should be required to demonstrate that mitigation sequencing was used in each project proposal that may impact habitat functions or values, including that avoidance was considered.
- **Stricter Clearing and Grading Requirements**
  - It is recommended that the City limit clearing, filling, and grading activities within riparian areas, unless they are directly related to restoration, as these activities can negatively impact riparian ecosystems (Rentz et al. 2020). This includes considering restricting placement of on-site septic systems within 100' of riparian areas. It is also recommended that the City incorporate specific habitat assessment requirements as suggested in Riparian Ecosystems, Volume 2: Management Recommendations (Rentz et al. 2020).
- **Expanded Habitat Management Plan (HMP) Requirements**
  - WDFW recommends that when an activity is proposed in a RMZ or could affect riparian or aquatic functions, a Habitat Management Plan (HMP) should be required. For consistency with the guidance in WDFW Riparian Ecosystems, Volume 2: Management Recommendations, the Habitat Management Plan requirements could be expanded to include the following:
    - Measurable standards and expectations to monitor compliance and defined triggers for requiring more actions, i.e., performance standards. Examples of measurable standards could include extent of vegetative cover, composition of riparian tree species and maximum invasive plant cover. The Habitat

Management Plan is recommended to also identify the frequency of visits to monitor the site and specify who is responsible for preparing, reviewing, and submitting monitoring reports.

- **Revised Exemption Thresholds**
    - SWMC 17.65 could be amended to include exemption requirements for removal of invasive and/or noxious plants within a FWHCA or critical area including hand weeding with light equipment, use only Ecology-approved aquatic herbicides and adjuvants, avoid use of hazardous substances, and avoid soil compaction.
    - To aid in the protection of riparian ecosystems, the WDFW guidance references that local regulations should "distinguish the immediate need to permit an emergency activity from the need to compensate for its impacts after-the-fact". The current regulations in SWMC 17.65.020.D could benefit from additional clarity. To address this, the City could expand the existing emergency allowance that requires applicant to complete applicable City review after the fact and may be required to modify or remove any emergency repair work and provide mitigation for any impacts to regulated areas.
    - The City could also consider developing a streamlined review process for riparian restoration/enhancement projects that meet certain criteria.

References

Quinn, T., G.F. Wilhere, and K.L. Krueger. 2020. "*Riparian Ecosystems, Volume 1: Science Synthesis and Management Implications*." Olympia: Washington Department of Fish and Wildlife.

Rentz, T, Amy Windrope, Terra Rentz, Keith Folkerts, and Jeff Azerrad. 2020. "*Riparian Ecosystems, Volume 2: Management Recommendations*." Olympia, Washington: Washington Department of Fish and Wildlife.

Washington Department of Fish and Wildlife (WDFW). April 2023 (Amended August 2023). Riparian Management Zone Checklist for Critical Area Ordinances, A Technical Assistance Tool. (RMZ Checklist). https://wdfw.wa.gov

Planning Commission Agenda Item

Agenda Item No.:	h.1.
Date:	June 16, 2026
From:	Ashton Sandoval Oaks, Assistant Planner, Nicole McGowan, Planner
Subject:	Updates to Title 2, 13, 15, 16, and 17 SWMC - Repeal & Replace *Consolidated Planning Procedures*

RECOMMENDED ACTION:
First read; discussion only.

BACKGROUND/SUMMARY INFORMATION:
In 2023, the Washington State legislature passed 2SSB 5290, a major reform of the Local Project Review Act, codified under RCW 36.70B. The Local Project Review Act is an essential component to the Growth Management Act (GMA). This component regulates permit applications, plan review, administrative determinations, land use appeals, and many other critical aspects of municipal planning in Washington. As a result of this major change, the Washington Department of Commerce has released a guidebook for local jurisdictions, included herein as **Attachment 1**.

The most recent update of Chapter 2.90 SWMC - *Consolidated Planning Procedures* - was completed in 2008. This large-scale update works to modernize the City's planning processes, reflect current best practices in permit management, and comply with the requirements to 2SSB 5290.

An excerpt of Chapter 2.90 with comments indicating the new policy location has been included herein as **Attachment 2**.

A draft municipal code amendment is also included herein as **Attachment 3** that work to update these regulations to the municipal code.

FISCAL IMPACT, IF APPROPRIATE:

ATTACHMENTS:
1. Local Project Review Guidebook (2025)
2. Ch. 2.90 - Code Section Relocations
3. Draft Amendments 1 (6-16-26)

Washington State Department of Commerce

Chapter 36.70B RCW: Local Project Review

GROWTH MANAGEMENT SERVICES

v3.5

Acknowledgments

Washington State Department of Commerce
Growth Management Services

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- SCJ Alliance Consulting
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Table of Contents

Introduction

Background

The Growth Management Act (GMA), passed in 1990, included an objective to process permit applications "in a timely and fair manner to ensure predictability" as one of its thirteen unprioritized planning goals.[1] Notably however, GMA did not initially include any detail as to how to accomplish that goal. Chapter 36.70B RCW, Local Project Review, was enacted in 1995 as part of Washington State's efforts to streamline and modernize local land use permitting processes. Together with several other chapters, Chapter 36.70B is now a major part of the state's primary framework for land use regulation:

- Chapter 35.63 – Planning Commissions (for cities or counties)
- Chapter 35A.63 – Planning and zoning in code cities
- Chapter 36.70 – Planning Enabling Act (mostly applicable only to counties)
- Chapter 36.70A – Growth Management Act (the primary chapter where GMA is codified)
- **Chapter 36.70B – Local Project Review (the subject of this guidebook)**
- Chapter 36.70C – Land Use Petition Act (the exclusive means of judicial review of land use decisions)
- Chapter 58.17 – Plats—Subdivisions—Dedications
- Chapter 90.58 – Shoreline Management Act of 1971

36.70B in brief

Chapter 36.70B RCW creates a framework for local government project review that includes:

- Process and deadlines for determination of application completeness
- A process for consolidated review of multiple applications
- Integration of environmental review
- Public notice and participation requirements
- Time periods for application review

Recent reforms

Although adoption of Chapter 36.70B in 1995 brought needed structure to permitting processes throughout the state, more recent housing shortages have led to the Legislature's adoption of new requirements to accelerate and improve the permitting process.

In recognition of the underproduction of housing in Washington State,[2] the Legislature funded a two-year project called Collaborative Roadmap Phase III to update the state's growth policies to consider housing production. The Collaborative Roadmap task force reviewed earlier state-funded reports and findings and provided recommendations. The task force concluded that clearer permit timelines and processes to enhance review speed, accountability, and predictability were needed to improve housing production.[3] This

[1] Substitute House Bill 2929 (1990), now codified at RCW 36.70A.020.

[2] Washington State Department of Commerce, "Washington state will need more than 1 million homes in next 20 years," March 2, 2023, https://www.commerce.wa.gov/news/washington-state-will-need-more-than-1-million-homes-in-next-20-years/.

[3] Washington State Department of Commerce, "Project Closeout and Final Recommendations Report: Collaborative Roadmap Phase III," June 20, 2023, https://www.commerce.wa.gov/growth-management/education-outreach/collaborative-roadmap/.

recommendation resulted in the passage of Second Substitute Senate Bill (2SSB) 5290 (2023) which made more changes to Chapter 36.70B RCW than any other bill in the last 30 years.

About this Document

This guidebook discusses the requirements of Chapter 36.70B RCW that apply to cities (and towns) and counties (which we will sometimes refer to as "local governments").[4]

Intended audience

This guidebook is written for local government staff who are charged with improving their development permit process, including those who are writing development regulations and application and permit procedures. This guidebook may also be useful to city or county personnel who are involved in the processing of permit applications.

Organization of this guidebook

The requirements of Chapter 36.70B are organized into chapters about:

- **applications** for permits
- **review** of applications
- **public participation** in application review
- **permits** that are the result of approved applications
- **appeals** of decisions on permit applications
- **administration** of the permit process
- **development agreements**

> **Watch for Practice Tips**
>
> While most of this guidebook focuses exclusively on the statutory requirements of Chapter 36.70B, occasionally it provides **practice tips** in these blue boxes. Practice tips help fill in the gaps in the statute and describe approaches that local governments around the state have found useful.

Applicability

Project permits

Chapter 36.70B RCW largely applies to "project permits," defined as "…any land use or environmental permit or license required from a local government for a project action including but not limited to…"[5]

- subdivisions
- binding site plans
- planned unit developments
- conditional uses
- shoreline substantial development permits
- site plan review

[4] The sections of Chapter 36.70B that apply only to the Department of Commerce are not discussed in this guidebook.

[5] RCW 36.70B.020.

- permits or approvals required by critical area ordinances
- site-specific rezones [that] do not require a comprehensive plan amendment…

This guidebook describes the rules and requirements for project permits; other permits that are not considered project permits are generally not subject to those requirements.

Building permits

From its initial adoption in 1995 until 2023, the definition of "project permit" included "building permits" in its non-exhaustive list of example project permits. With adoption of 2SSB 5290 in 2023, the Legislature struck building permits from that list of examples, but did not specifically exclude building permits from the project permit definition.[6] Several other remaining sections of Chapter 36.70B continued to characterize building permits and construction permits as a type of project permit,[7] leading to uncertainty about whether building permits were subject to the chapter.

The Legislature addressed this uncertainty in 2025 with SHB 1935, which added language to affirmatively exclude building permits from the definition of "project permit." Local governments are now free to exclude building permits from the statutory requirements for project permits, but those with procedures that treat building permits as a type of project permit may continue to do so and are not required to amend their procedures to address this change in the definition.

Construction permits

Chapter 36.70B is clearly applicable to "construction permits," which it considers to be a type of project permit.[8] Although not defined in the statute, construction permits appear to include permits for construction of infrastructure improvements, such as construction pursuant to a preliminary plat approval, but not vertical construction regulated under the state building code.[9]

Shoreline permits

This guidebook does not address the notice, hearing, and timing requirements of the Shoreline Management Act (SMA). While shoreline permits are subject to the requirements of Chapter 36.70B,[10] SMA requirements control where they are more restrictive.

[6] Other bills in the same session, SB 5473 and HB 1519, would have affirmatively excluded building permits from the definition, but those bills did not advance.

[7] RCW 36.70B.140(2) continued to characterize "building and other construction permits" as types of project permits. See also RCW 36.70B.140, which requires a local government to "exclude project permits for interior alterations [that meet certain criteria] from site plan review…" That section defines "interior alterations" to "include construction activities," which are clearly the subject of building permits.

[8] See, e.g., RCW 36.70B.140, which includes construction permit as a subset of project permit, and RCW 36.70B.120(2)(a) which lists construction permits as one of the example categories of project permit.

[9] Note the state building code does not adopt IBC Appendix J regarding grading, although some local governments do.

[10] Shoreline substantial development permits are explicitly included in the definition of "project permit" in RCW 36.70B.020 and there is no reason to expect other types of shoreline permits are not also covered by that definition.

Administrative and quasi-judicial decisions, not legislative actions

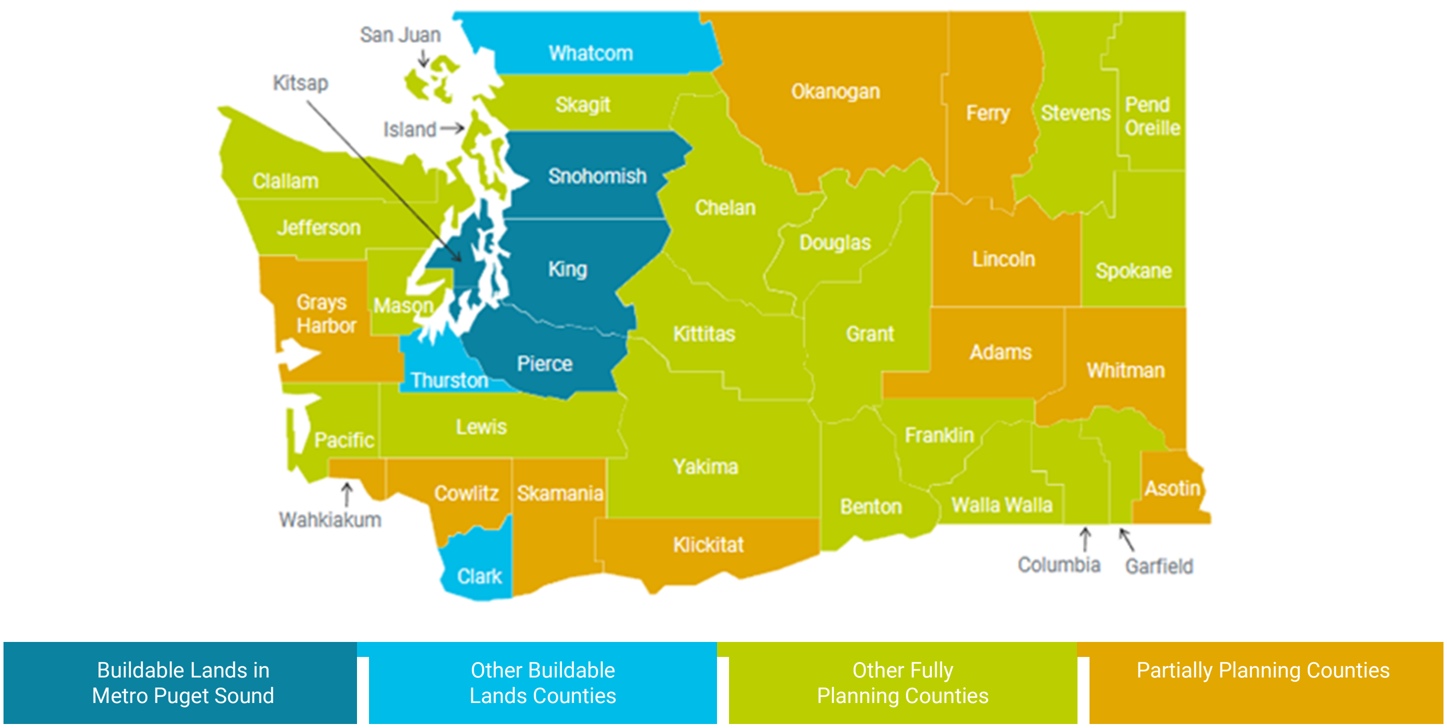
Chapter 36.70B is about permits. It does not apply to legislative actions, such as:[11]

- Adoption or amendment of a Comprehensive Plan
- Adoption or amendment of a subarea plan
- Adoption or amendment of development regulations
- Approval of a rezone that requires a comprehensive plan amendment[12]

One exception from this general rule is that Chapter 36.70B does include regulation of **development agreements**, approval of which is a legislative function.

Geographic applicability

Most of Chapter 36.70B applies only to local governments fully planning under the Growth Management Act (e.g., RCW 36.70B.060-080 and .110-130 governing application consolidation, determination of completeness, time periods for application review, notice of application, and the new fee refund provisions).[13] Performance reporting (see Chapter 7 in this guidebook) is further limited to "buildable lands counties" (on the map below, the counties in light and dark blue) and the cities within those counties with a population of 20,000 or more.[14] This guidebook will discuss the requirements that apply only to GMA fully planning jurisdictions without repeatedly stating the limitation on their applicability.



[11] See the exclusions from the definition of "project permit" in RCW 36.70B.020.

[12] Note that a rezone that does NOT require a comprehensive plan amendment (i.e., is authorized by the comprehensive plan) is a type of project permit and *is* subject to the requirements of 36.70B. Such rezones are quasi-judicial. Contrarily, such rezones are not permits for the purpose of RCW 64.40. *Manna Funding, LLC v. Kittitas County*, 295 P.3d 1197 (2013).

[13] RCW 36.70B.150 authorizes partial-planning jurisdictions to adopt the provisions of RCW 36.70B.070-080 and .110-130 if desired.

[14] RCW 36.70B.080(2).

Definitions

Building permit means a permit issued pursuant to the State Building Code as adopted in RCW Chapter 19.27.

City means a city or town, including a code city, consistent with how the term is used in the Growth Management Act.[15] While there are distinctions between towns and cities and among the various classes of city, those distinctions are not relevant for the purposes of this guidebook.

Conditional use means a use listed among those classified in any given zone but permitted to locate only after review and granting of a conditional use permit imposing such performance standards to make the use compatible with other permitted uses in the same vicinity and zone.[16]

Construction permit means a permit for construction of infrastructure improvements. Used in RCW 36.70B.140; "construction plans" used in RCW 36.70B.080. A construction permit is a type of project permit.[17]

Day means calendar day. Cities and counties should always use the word "day" to mean calendar day (as opposed to business day) in their permit procedures because RCW 36.70B.070 requires that "[t]he number of days shall be calculated by counting every calendar day."

Decision-maker means the official or entity that makes a decision on a project permit application. In some cases this may also be the hearing body or hearing officer. Used in RCW 36.70B.120.

Environmental review means review under the State Environmental Policy Act (Chapter 43.21C RCW). Used in RCW 36.70B.110(6).

Final decision means the final local government decision on an application, including the final decision on a local appeal, if any.[18]

Hearing body (or **hearing officer**) means the official or entity that conducts the public hearing required for a decision on a project permit application. Used in RCW 36.70B.120.

Lead agency means the agency with the main responsibility for complying with SEPA's procedural requirements (WAC 197-11-050 and 197-11-922).[19]

Local government in the context of chapter 36.70B RCW and this guidebook, means a county, city, or town.[20]

15 RCW 36.70A.030(7).

16 See RCW 36.70.020(7).

17 RCW 36.70B.140(2) describes construction permits as a type of project permit.

18 Chapter 36.70B does not define "final decision" but RCW 36.70B.080(1)(g) defines the review time period as including the time to "final decision," and RCW 36.70B.080(1)(g)(iii) indicates that any period before an administrative appeal is resolved is counted as part of the review time period.

19 WAC 197-11-758.

20 RCW 36.70B.020(2).

Ministerial means an act that involves closely following instructions or laws instead of discretion, judgment, or skill.[21] Approval of a building permit is generally considered a ministerial act, while most land use review involves some level of discretion.

Project action (with respect to SEPA) means an agency decision "on a specific project, such as a construction or management activity located in a defined geographic area."[22]

Project permit means "any land use or environmental permit or license required from a local government for a project action, including but not limited to subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones which do not require a comprehensive plan amendment, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in this [definition]."[23] Project permit does not include building permits.[24]

Public meeting means an informal meeting, hearing, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit prior to the local government's decision. A public meeting may include, but is not limited to, a design review or architectural control board meeting, a special review district or community council meeting, or a scoping meeting on a draft environmental impact statement. A public meeting does not include an open record hearing. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the local government's project permit application file.[25] A public meeting may also be held, and may be required to be held, prior to application. See Chapter 4 in this guidebook.

Quasi-judicial means a process determining the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceeding.

Review time period means the time allowed for review of a permit application established pursuant to RCW 36.70B.080. See Chapter 3 in this guidebook.

Shoreline permit means a shoreline substantial development permit, shoreline variance permit, shoreline conditional use permit, or revision authorized under Chapter 90.58 RCW, but not including a shoreline letter of exemption.[26]

Variance is the means by which an adjustment is made in the application of the specific regulations of a zoning ordinance to a particular piece of property, which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity and zone and which adjustment remedies disparity in privileges.[27]

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[21] Black's Law Dictionary, Seventh Edition (1999) at 1011.

[22] WAC 197-11-704.

[23] RCW 36.70B.020(4)(a).

[24] RCW 36.70B.020(4)(b).

[25] RCW 36.70B.020(5).

[26] See the definition of "permit" in WAC 173-27-030(13).

[27] RCW 36.70.020.

Chapter 1. Roles and Responsibilities in Local Project Review

Applicants and Property Owners

Applicant
An applicant may be a sole property owner, an agent or firm representing the property owner, or a permit expeditor—a person or firm hired to usher the permit through the process. Generally, when the applicant is not the sole owner of the relevant real property, local government will require a separate form of consent from the property owners.

Applicant Representative
State law authorizes a city or county to require designation of a "single applicant representative" to receive notices throughout the permit application process.[28]

Local Government Staff

Permitting Department
A single department in a local government is typically identified to accept land use and building permits and, in some cases, perform future land use planning tasks. While that department is often called a "Planning Department," local governments can adopt any name they prefer. Some examples include:

- Building and Planning
- Building and Permitting
- Construction and Inspections
- Planning and Community Development
- Planning, Community, and Economic Development
- Planning and Development Services
- Planning and Permit Center

This guidebook refers to the department that issues permits as the common noun "permitting department."

Permit Assistance Staff
State law requires cities and counties with a population of 10,000 or more to provide "permit assistance staff" to assist permit applicants.[29] Permit assistance staff have the responsibility to:

- make available to permit applicants all current local government regulations and adopted policies that apply to the subject application;
- publish and keep current one or more handouts containing lists and explanations of all local government regulations and adopted policies;
- establish and make known to the public the means of obtaining the handouts and related information;
- provide assistance regarding the application of the local government's regulations in particular cases.

[28] RCW 36.70B.100.

[29] RCW 36.70B.220.

The local government must provide counter copies of regulations and policies that apply to the application and, upon request, provide copies consistent with requirements of the Public Records Act.[30]

In practice, most local governments do not employ designated "permit assistance staff," but incorporate these functions into the typical work of their permitting department.

Designated Permit Coordinator

An applicant may elect to have their applications reviewed in a consolidated permit review process (see Chapter 3 in this guidebook). When that occurs, the city or county must designate a **permit review coordinator** to manage the combined application review and approval process covering all project permits for all or part of a project.[31]

> **Practice Tip**
>
> While state law only requires a permit review coordinator in this limited context, a local government should consider providing a permit coordinator for each project. The coordinator can be the permitting department's single point of contact for the project, reconcile incongruities between multiple applications and multiple reviews by different specialties (e.g., engineering, critical areas, stormwater), and intervene when a delay in the process occurs to keep the review moving forward.
>
> Importantly, such a designated permit coordinator should not ***just*** be used to track the progress of other specialty reviewers. Instead, the coordinator should be empowered to make application decisions within the limits of their expertise. Because specialization requires handoffs and creates bottlenecks, permitting departments should seek to reduce specialization to the greatest extent reasonable. Well-known planner and planning management consultant Paul Zucker, who died in 2018, advocated that "…as few people as possible participate in each [review] process."[32]

Lead Agency

Because many project permits require review under the State Environmental Policy Act (SEPA), the designation as the lead agency for the project is important for application review. The lead agency is usually the local government permitting department, but other entities such as port and school districts and state agencies also can be lead SEPA agencies, such as when they are the permit applicant.

Decision-makers and Hearing Bodies/Officers

A local government may provide (by ordinance or resolution) for a decision-maker (e.g., an administrator or hearing body or officer) for its various categories of project. The typical processes local government use include:

- For ministerial permits that include a written comment period and a minor level of discretion, the decision-maker is generally the director of the permitting department or the director's designee.

[30] RCW 36.70B.220.

[31] RCW 36.70B.120.

[32] Paul Zucker, *The ABZs* of Planning Management (2007) at 245.

- For permits that require a public hearing or a greater level of discretion, the decision-maker and the hearing officer may be a Hearing Examiner,[33] the Planning Commission,[34] or Board of Adjustment.
- For the most complicated permits, the Planning Commission or Hearing Examiner may conduct the public hearing and may issue only a recommendation to the ultimate decision-maker, the City Council, County Council, or County Commission.

Within the bounds of the GMA, Chapter 36.70B RCW, and other statutes, local governments may establish their own permit review types and processes based on local needs and circumstances; these development regulations may specify a variety of procedural permutations, including designating review types based on factors such as monetary project values.

State law responsibilities

All government officials, including volunteer boards, are subject to the Public Records Act (Chapter 42.56 RCW). Multimember bodies such as Planning Commissions, City Councils, and County Commissions/Councils are also subject to the Appearance of Fairness Doctrine (Chapter 42.36 RCW) and the Open Public Meetings Act (Chapter 42.30 RCW).

[33] Created as an alternative to a Planning Commission or Board of Adjustment pursuant to RCW 36.70.970, 35.63.130, or 35A.63.170.

[34] Some local governments give their appointed citizen Planning Commissions a role in the permit process. (At least one city, Issaquah, has created a separate body with the name Development Commission to play that role.)

Chapter 2. Applications

Overview

The application is the initial step toward confirming an applicant's rights or approvals under a local government's development regulations.

Prior to Application

Pre-application conference

Cities and counties may require a **pre-application conference** before submitting a project permit application.[35] In addition to the applicant, pre-application conferences generally involve a representative from each of the reviewers of the proposed project permit application. The applicant provides an overview of their proposed project, either in person or in writing, and then, meeting participants ask clarifying questions and provide their insights into the procedural and substantive requirements for the project.

The typical objectives of such pre-application meetings are:

- to brief the applicant on the types of permits required for their project;
- to improve the quality of the resulting application for the project.

> **Practice Tip**
>
> To hold an effective pre-application conference, the city or county should request a specific list of materials from the applicant for conference participants to review in advance.
>
> After the pre-application conference concludes, the designated permit coordinator should provide the applicant with timely written meeting notes summarizing the conclusions of the meeting.

Pre-application public meeting

Cities and counties may require a **pre-application public meeting** before the submittal of a project permit application.[36] Such meetings are informal gatherings or workshops to obtain comments from the public or other agencies on the proposed project.[37]

Neighborhood meeting

Some local governments require an informal public "neighborhood meeting" hosted by the applicant,[38] for certain types of complex or potentially controversial projects. Some local governments require such a meeting with their Planning Commission.[39] A neighborhood meeting may be a good way for the applicant to obtain local knowledge about the project area, such as transportation or seasonal drainage issues, and is also an opportunity for the neighborhood to learn about the details of the project. The meeting may also provide the

[35] See authority in RCW 36.70B.160, subsection (2) as amended by 2023 c 333 and subsection (5) as amended by 2023 c 338.

[36] See authority in RCW 36.70B.160, subsection (2) as amended by 2023 c 333 and subsection (5) as amended by 2023 c 338.

[37] See the definition of public meeting in RCW 36.70B.020(5).

[38] See "Pre-application Neighborhood Meeting" in Anacortes Municipal Code 19.20.100.

[39] The City of Stanwood recently excised such a provision from its code.

applicant with an opportunity to respond to neighborhood concerns through evolution of the project design prior to finalizing application documents.

> **Practice Tip**
> Local governments should ensure that any such public neighborhood meeting is informal and clearly distinguished from a public hearing, so it does not conflict with the statutory prohibition on holding more than one open-record public hearing per application. For example, a “neighborhood meeting” might be held at the public library or other venue that is not the typical location for a public hearing and is located closer to the potential project site.

Fees

Get the Full Report

The Department of Commerce has issued the report ***Navigating Permit Fees: Guidance on Cost Recovery*** (2024) to meet the requirements of RCW 36.70B.245, which provides:

> The Department of Commerce shall develop and provide technical assistance and guidance to counties and cities in setting fee structures under RCW 36.70B.160(1) to ensure that the fees are reasonable and sufficient to recover true costs. The guidance must include information on utilizing growth factors or other measures to reflect cost increases over time.

This instruction was adopted as part of 2SSB 5290 (2023), which made many changes to Chapter 36.70B RCW as part of an overall strategy to streamline permitting and to help ensure jurisdictions are adequately staffed and funded to conduct reviews. This guidance from Commerce is the full report that can be accessed to gain a deeper understanding of how to navigate permit fees.

Summary

The following summarizes the cost recovery guidance in ***Navigating Permit Fees: Guidance on Cost Recovery***. The full report is on the Department of Commerce’s Local Project Review website[40].

Section 1: Fee Structures in Washington State - Analysis
A local government’s fee structure establishes and charges fees for its services. Jurisdictions typically adopt fees as a resolution containing a list that addresses a range of permit reviews, licenses, and other services. This document provides guidance for fees related to development permit applications, specifically land use review.

Other types of fees, such as for building permit review, have a well-established fee structure shared broadly nationwide. Land use review fees vary across the state, and this guidance discusses some reasons for this variation.

Section 2: Reasonable and Sufficient Fees to Cover True Costs – Guidance
Under state law, local governments may collect building and land use permit fees to cover the cost of processing permits.[41] A reasonable and sufficient fee charges neither too much nor too little to cover the

[40] https://deptofcommerce.box.com/s/gpcm36i772v0maznhaflgprwg7hpb9s1

[41] RCW 82.02.020.

actual cost to the jurisdiction to complete the permit review. Local governments can only judge the reasonableness and sufficiency of their fees if they understand the true cost. Finding the true cost requires careful tracking of the actual time spent performing the permit review.

The cost of an hour of permit-review not only accounts for the wage of the plan reviewer, but also that worker's benefits, the wages and benefits of support staff, any additional hard costs (such as printing, travel to inspections, or publishing notice). Add a portion of the Planning Department's overhead and operating costs to these direct costs, such as software subscriptions, office leases, webtools, and workstation hardware (called indirect costs).

The combination of direct costs and an allocated portion of indirect costs combine to create the true cost for an hour of permit review work, called the Permit Review Rate (PRR).

This guidance discusses how to find a reasonable base permit fee by multiplying the average time a permit takes to process by the Permit Review Rate (PRR).

*(Base Hours for Permit Review) * (Permit Review Rate) = Reasonable Base Fee*

Additional hours charged at the PRR rate may be necessary for more complex permit reviews to recover the true cost.

*(Reasonable Base Fee) + (Additional Review Hours Needed * PRR) = Fee with True Cost Recovery*

Section 3: Setting-Up and Managing a Permit Fee Structure – Guidance
A local government must carefully manage its fee structure and reexamine it frequently to maintain its reasonableness and sufficiency. The PRR must reflect increases in wages, benefits, facilities operations, supplies, and other ancillary costs. Jurisdictions are advised to review their PRR annually to ensure it reflects changes in direct and indirect costs. Equally as important, local governments should track the actual time it takes to review each permit type and reflect this average in calculating permit base fees.

This guidance also recommends several best management practices to establish and maintain sound financial policies covering permit fees.

Contents

Local development regulations must specify the contents of a procedurally complete project permit application for each type of permit application.[42] A city or county that requires fees at time of application should include fees (consistent with the adopted fee schedule) in its regulations.

> **Determining the right level of detail**
>
> A local government's development regulations governing the required contents of an application need not contain an extreme level of detail but should enumerate every required item that costs significant time or money to complete.

[42] RCW 36.70B.080(1)(b).

For example, the contents could include a requirement for a "site plan consistent with the permitting department's required format." The regulations need not specify every single requirement of the site plan format, such as the north arrow; those details can be instead included in a department policy handout. The department might want to specify five-foot contours in its adopted contents list, however, if those are not readily available and onerous to include.

Intake

When an application is submitted, local government permitting staff usually have the opportunity to review it and interact with the applicant—although as more departments transition to electronic application processes, some of that opportunity is lost. Receiving high-quality, complete applications is important to cutting review time, so it is valuable for the permit staff to be able to correct an applicant as early as possible.

› **Use checklists…for everything**

The current emphasis on cutting review time need not also result in cutting corners. Checklists should be used for everything, by everyone, even experienced application reviewers, to ensure that important requirements are not missed and that they're reviewed in the correct order.

› **Whenever possible, make the same checklists available to staff and the applicants.**

An anecdote from Johns Hopkins Hospital makes the case for the power of checklists:

On a sheet of plain paper, [Pronovost] plotted out the steps to take to avoid infections when putting in a central line. Doctors are supposed to (1) wash their hands with soap, (2) clean the patient's skin with chlorhexidine antiseptic, (3) put sterile drapes over the entire patient, (4) wear a mask, hat, sterile gown, and gloves, and (5) put a sterile dressing over the insertion site once the line is in. Check, check, check, check, check. These steps are no-brainers; they have been known and taught for years. So it seemed silly to make a checklist for something so obvious. Still, Pronovost asked the nurses in his ICU to observe the doctors for a month as they put lines into patients and record how often they carried out each step. In more than a third of patients, they skipped at least one.[43]

The effect of the checklist in this instance? The ten-day line-infection rate went from 11 percent to zero. Over 15 months, the study found that the checklist had prevented 43 infections and 8 deaths and saved $2 million.

› **Should a city or county accept an obviously incomplete application?**

A local government that is presented with an obviously incomplete application at intake should (a) advise the applicant of the application's deficiencies and recommend they provide the additional information before submitting, but if the applicant insists, (b) accept the application for intake and respond with a letter documenting its incompleteness within 28 days.

Accepting an incomplete application may make processing of the application slower but will provide the applicant with a due process opportunity to appeal the local government's decision on completeness if the applicant disagrees with that determination.

[43] Atul Gawande, *The Checklist Manifesto: How to Get Things Right* (2010).

Completeness

Completeness may be the most important concept in Chapter 36.70B. A project permit application is not mature (or vested) until it is "procedurally complete" within the meaning of the statute. To achieve vesting, the statute requires that a local government's development regulations must specify the contents of a complete application for each type of permit application.[44]

Completeness is the trigger for:

- notice to the public
- vesting (i.e., protection from changes in the law)
- starting the clock on the maximum time periods allowed for review of the application.

An application is "procedurally complete" when it either:

- "meets the procedural submission requirements of the local government, as outlined on the project permit application"[45]

—or—

- is "deemed" procedurally complete, either on the 29th day after receiving the application if the local government does not provide a written determination to the applicant that the application is procedurally incomplete[46] or later after the applicant responds with more information.

After initial receipt of an application, the local government must review it for completeness within 28 days and make a determination of whether it meets the locally adopted requirements for a finding of procedural completeness.[47]

- If the application **is complete**, the local government must issue a letter (a "written determination") to the applicant stating the application is procedurally complete.
- If the application **is not** complete, the local government must issue a letter describing what is necessary to make the application procedurally complete. When the applicant responds, the local government has 14 days to determine if the application is now procedurally complete.[48]

Importantly, the local government's determination of completeness must be based **exclusively** on whether the application includes the required components of such an application. The local government may not determine an application is *in*complete on the basis of missing information unless that information is identified in the local government's list of required application components. That's true even if the local code provides authority to also request that additional information.[49]

[44] RCW 36.70B.080(1)(b).

[45] RCW 36.70B.070(2).

[46] RCW 36.70B.070(4)(a).

[47] RCW 36.70B.070(1)(a).

[48] RCW 36.70B.070(4)(b).

[49] RCW 36.70B.070(2).

If the local government fails to make its determination and issue a letter within the 28 days, the application is automatically deemed procedurally complete on the 29th day.[50] If the local government fails to make a determination after receiving a response to a request for more information to complete the application, it is automatically deemed procedurally complete on the 15th day.[51]

Example. Consider the following illustration of how the rules above apply to an application:

- On day 0, an applicant submits their application.
- On day 27 (one day before the 28-day deadline), the local government finds the application is incomplete and requests additional info.
- On day 50, the applicant responds with more information. (The amount of time the applicant has to respond is not limited unless local regulations provide for such a limitation.)
- The local government must review the additional information to determine completeness and must notify the applicant if the application is complete or additional information is necessary, within 14 days (by day 64).
- On the day the application is complete or deemed complete by the local government's failure to respond, the clock begins for the **review time period**.
- The local government has an additional 14 days after the determination of completeness to provide the notice of application (if one is required for the relevant type of project permit).

Vesting

In Washington State, an application for certain types of permits must be evaluated under the law in effect at the time of complete application, which is commonly referred to as being "vested" to those regulations. A vested application is not subject to changes in the zoning code adopted after the date of completeness.

What applications qualify for vesting?

Under state law, there are three—and only three—types of permit applications that are subject to vesting:[52]

- an application for a building permit`[53]
- an application for preliminary plat approval of a subdivision or short subdivision[54]
- an application subject to a development agreement[55]

[50] RCW 36.70B.070(4)(a).

[51] Although not explicitly stated, this is implied by the 14-day deadline in RCW 36.70B.070(4)(b).

[52] *Potala Village v. City of Kirkland*, 183 Wash. App. 191, 194, 334 P.3d 1143 (2014); *Town of Woodway v. Snohomish County*, 180 Wn.2d 165, 173, 322 P.3d 1219 (2014).

[53] RCW 19.27.095. Note that a building permit is no longer a type of project permit since adoption of SHB 1935 (2025), which means that the provisions for determination of completeness in Chapter 36.70B do not apply.

[54] RCW 58.17.033. Importantly, state law only applies vesting to preliminary plat approvals for a short subdivision or subdivision and not for other types of land division applications, e.g., for planned unit development applications. *RMG Worldwide LLC v. Pierce County*, 2 Wn. App. 2d 257, 279, 409 P.3d 1126 (2017).

[55] RCW 36.70B.170-180.

A city or county can expand the list of vested application types,[56] but should do so only after careful consideration of the public policy implications. Note that all three types of applications must be complete to be able to subject it to vesting.

What does a qualifying application vest to?

Under state law, a "vested" application is reviewed under certain laws that are in effect at the time of complete application:

Vested To	Not Vested To
Local zoning and land use laws,[57] including: • allowed uses • setbacks • design standards Building code	• Procedural regulations • Impact fees, connection fees • Ordinances implementing a state or federal mandate • Ordinances necessary to protect the public health and safety, e.g., the fire code

Generally, applications vest only to "land use control ordinances" that exerts a restraining or directing influence over land use. But where state or federal law direct outcomes contrary to vested rights, such as state requirements for stormwater management pursuant to the National Pollution Discharge Elimination System and the federal Clean Water Act, those state or federal mandates control.[58]

Vesting does not prevent application expiration

A local government can adopt time limits on how long an application can exist before it is approved or denied, regardless of whether or not an application is vested. Importantly, those time limits should not deprive applicants of due process.

Vesting is for applications, not permits

While an application is insulated from a change in the law, an issued permit is a license from the local government to construct something or maintain some land use that is governed by its expiration date.

The concept of "vesting" for applications is distinguished from the time period an application can be valid before it is issued, or the time period for which an issued permit is valid.

Subdivisions

Subdivision law is another special case. Without calling it "vesting," state law provides that lots in a final plat are a valid land use, and the subdivision itself is governed by the terms of approval of the final plat and the laws in place at the time of approval, for at least five years after the date of filing.[59] A local government can

[56] "Within the parameters of the doctrine established by statutory and case law, municipalities are free to develop vesting schemes best suited to the needs of a particular locality." *Erickson Associates v. Mclerran*, 123 Wash. 2d 864, 873, 872 P.2d 1090 (1994).

[57] *Noble Manor Co. v Pierce County*, 133 Wash. 2d 269, 271, 943 P.2d 1378, 1380 (1997).

[58] *Snohomish City. v. Pollution Control Hearings Bd.*, 187 Wn.2d 346, 386 P.3d (2016).

[59] For plats filed after January 1, 2015. RCW 58.17.170.

extend that time period and the protections of these provisions to other types of land divisions, such as short subdivisions.

Chapter 3. Review

Applicability

Project permits

The review processes described in this chapter apply to "project permits" as defined in the statute. (See "Applicability" in the Introduction to this guidebook.) Since adoption of SHB 1935 (2025), these processes need not be applied to building permits, although local governments are not barred from treating a building permit as a type of project permit.

Project permits that may be optionally excluded

State law allows local government (by ordinance or resolution) to exclude some types of project permit applications from certain requirements in Chapter 36.70B. As shown in the table below, the statute allows some types of applications to be excludable (E) from some process requirements. The processes that cannot be excluded for certain applications are marked with (●).

Type of project permit	Integrated review (.060 and .120)	Determination of completeness (.070)	Review time periods (.080)	Notice of application (.110)	Notice of decision (.130)
Lot line/boundary adjustments[60]	E	●	●	E	E
Permits categorically exempt from SEPA (e.g. some construction permits)[61]	E	●	●	E	E
Landmark designations[62]	E	E	E	E	E
Street vacations[63]	E	E	E	E	E
Other approvals with special circumstances that warrant an alternative review process/time periods[64]	E	E	E	E	E

[60] RCW 36.70B.140(2).
[61] RCW 36.70B.140(2).
[62] RCW 36.70B.140(1).
[63] RCW 36.70B.140(1).
[64] RCW 36.70B.140(1).

Required Elements of Review

After an application is submitted, the local government works to review the application for consistency with the local government's development regulations and state law. In its review of an application, RCW 36.70B.040 directs local government to consider:

(a) The type of land use;

(b) The level of development, such as units per acre or other measures of density;

(c) Infrastructure, including public facilities and services needed to serve the development; and

(d) The characteristics of development, such as development standards.

WAC 365-197-050 provides additional guidance for evaluating these criteria (see box next page).

Importantly, the application review process is the time to apply the law, not rewrite it. A local government makes legislative choices about land use planning which are expressed in its Comprehensive Plan and Development Regulations adopted to implement the Comprehensive Plan. Those choices "serve as the foundation for project review,"[65] but local government should not then reconsider the fundamental land use planning choices made through adoption of its Comprehensive Plan and development regulations as written during application review.[66]

> **PRACTICE TIP: perform review against development regulations, not the Comprehensive Plan**
>
> Permit applications should be reviewed against development regulations, not Comprehensive Plan policies. A local government with direction in its code requiring review of every permit application against the Comprehensive Plan should remove that direction.
>
> A Comprehensive Plan's high-level goals and policies are ill-suited for evaluating individual permit applications. Instead, the Comprehensive Plan should shape the writing of the development code, which should itself be crafted at a detailed enough level to evaluate a permit application. Only in the absence of applicable development regulations,[67] or, for a question of interpretation of those regulations,[68] should one look to the Comprehensive Plan during application review.[69]

[65] RCW 36.70B.030(1).

[66] RCW 36.70A.470(1), RCW 36.70B.030(3), and Note (1) following RCW 36.70B.030. GMA requires that cities and counties include in its development regulations a procedure for any interested person, including applicants, citizens, hearing examiners, and staff of other agencies, to suggest plan or development regulation amendments. RCW 36.70A.470(2).

[67] RCW 36.70B.030(2), RCW 36.70B.040(1), WAC 365-197-050(1).

[68] Note (1) to RCW 36.70B.030.

[69] RCW 36.70B.030(1). Statutes requiring land use decisions to carry out a local government's comprehensive plan (e.g., RCW 35A.63.170(3)) are accomplished by review against development regulations that themselves carry out the comprehensive plan.

Determining Consistency

WAC 365-197-050(1) provides criteria, in the form of questions, intended to help analyze a proposal's consistency with local regulations:

(a) Type of land use: Is the project's proposed land use within the range of allowable uses identified for this site in the comprehensive plan/development regulation? This would include uses that may be allowed under certain circumstances if they satisfy approval criteria, for example, planned unit developments, conditional uses, or special uses.

(b) Level of development: Is the project's proposed land use within the range of densities, including dwelling units per acre or other measures of intensity, as defined in the comprehensive plan/development regulations? Other measures of intensity may include, but are not limited to, such measures as square footage of nonresidential development, number of employees, or floor area ratio.

(c) Infrastructure: Are the system-wide public facilities and services necessary to serve the development available? To make this decision, the local jurisdiction should ask:

(i) Is the system-wide infrastructure sufficient to serve the development? (If yes, no need to ask the next question.)

(ii) Have any system improvements needed for the proposed development and site:

(A) Been identified as necessary to support development in the comprehensive plan; and

(B) Had provision for funding in the comprehensive plan (e.g., capital facilities plan, utilities element, transportation improvement plan)? Alternatively, can the applicant demonstrate capacity, e.g., through a certificate of concurrency process? (If yes, no need to ask the next question.)

(iii) Will the proposed project use more capacity than the usage or assumptions on which the capital facilities plan, utilities element, or transportation improvement plan were based, or will the project cause current service levels to fall below level of service standards identified in the comprehensive plan? (If yes, does the applicant want to pay for the improvements or allow the GMA county/city to docket the issue for future plan amendment?)

(d) Characteristics of development: Does the proposed project:

(i) Meet or fall within the range of numerical standards that apply? (Examples of numerical standards may include, but are not limited to, number of dwelling units per acre, floor area ratio, building setbacks, building height, lot size, lot coverage, minimum width and depth for new lots, parking requirements, and density/intensity bonuses or incentives. In applying some of these standards, some overlap may occur with the analysis for level of development, i.e., units per acre and floor area ratio.)

(ii) Promote or not substantially conflict with narrative standards that apply? (Examples of narrative standards include performance standards, engineering or design criteria, methods for determining compliance such as monitoring or contingency plans, and mandatory policies or criteria.) Analysis of consistency with narrative standards may be contingent upon preparation, completion, and approval of required studies, plans, determinations, or monitoring (e.g., delineation of critical areas, mitigation plans, etc.).

Types of Review

Local governments vary widely among the application review processes that they have developed and adopted over the years, but a survey of those processes yields several themes:

- administrative (e.g., Planning/Permit Director) decision with no public comment
- administrative decision after a written public comment period
- Hearing Examiner or Planning Commission decision after a written public comment period and public hearing
- Hearing Examiner or Planning Commission recommendation after a written public comment period and public hearing, with final decision by the Board of County Commissioners or City Council

Local governments are free to organize their reviews in other ways, but these are the most common.

Site Plan Review

It's common for cities and counties to require some form of review of the project site, because changes to site layout can be a trigger for so many types of other regulations. But local governments must exclude project permits for interior alterations from **site plan review** so long as those interior alterations do not result in:

- additional sleeping quarters or bedrooms (which therefore may require additional septic capacity)
- nonconformity with federal emergency management agency substantial improvement thresholds (i.e., the threshold for conforming to flood hazards prevention regulations for CRS rating)
- increase the total square footage or valuation of the structure thereby requiring upgraded fire access or fire suppression systems[70]

Unfortunately, "site plan review" is not defined in the statute. "Interior alterations" is defined to "include construction activities that do not modify the existing site layout or its current use and involve no exterior work adding to the building footprint."[71]

> **PRACTICE TIP: check your application requirements**
>
> Do not require site plans as part of the application package when site plan review is prohibited. When site plan review is prohibited, the local government should not require site plans as part of the application package.

Consolidated Review of Multiple Applications

When a single project requires multiple permits, a local government must offer a consolidated review process for those permit applications.[72]

[70] RCW 36.70B.140(3).

[71] RCW 36.70B.140(5).

[72] RCW 36.70B.060 and .120.

Many projects will require multiple permits. Consider a relatively simple residential project on a small lot—in some jurisdictions, this single project may require:

- a lot certification (i.e., a determination that the lot was properly divided)
- a critical areas permit (e.g., for nearby streams or wetlands)
- a variance (for setbacks, height, or lot coverage)
- a curb cut permit
- a building permit[73]

A consolidated review process for multiple applications for all or part of a project action generally means reviewing multiple applications under a single process on a single timeline. Consider again the sample project: a typical applicant might opt to consolidate the critical areas and variance applications into a single review process—especially if both of those applications separately would have the same type of review, e.g., a public hearing before the Hearing Examiner.

Importantly, opting for consolidated review is at the discretion of an applicant. For a variety of legitimate reasons, an applicant may not want to consolidate review of all the permits required for a project. The building permit application, for example, may be costly to prepare with detailed architectural drawings that might change depending on what conditions get applied to the setback variance. Furthermore, the applicant may not want to consolidate the building permit (which typically gets only a ministerial review) into a consolidated process that is subjected to the scrutiny of a public hearing or other public process.

> **Practice Tip**
>
> While the permitting department should **allow** applicants to submit all pieces of their application simultaneously, it should also encourage and facilitate applicants who wish to submit their applications in several ways so they can quickly get underway. The decision on which course to take should be left to the applicant.

Integration of Environmental Review

State law requires that the procedures for review of project permits be combined with the SEPA environmental review process, both procedural and substantive.[74] While the State Environmental Policy Act process is mostly beyond the scope of this guidebook, we cover its intersection with Chapter 36.70B RCW and the project permit review process below.[75]

Timing

State SEPA Rules require that local governments adopt procedures for environmental review, including preparation of an EIS, on projects at the conceptual stage, prior to submission of a complete application.[76] To ensure early environmental review is useful, local governments will need to specify the amount of detail

[73] Building permits are now specifically excluded from the definition of "project permit" (RCW 36.70B.020(4)(b)) and therefore need not be consolidated, although local governments may find it useful to do so.

[74] RCW 36.70B.050(1).

[75] For more information on SEPA, see Chapter 43.21C RCW, Chapter 197-11 WAC, and Ecology's SEPA Handbook, available at https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance.

[76] WAC 197-11-055(4).

needed from applicants for such early environmental review, consistent with the SEPA Rules,[77] in their SEPA or permit procedures.[78] Cities and counties have incentives to perform the EIS prior to application because state law does not provide for any exclusion of the time necessary to prepare an EIS from the review time periods for applications.[79]

Despite this admonition, SEPA is most typically processed concurrent with the related project permit application. The timing of this integration is shown in the table below:

Steps	Time Period
Determination of completeness	Within 28 days of application (unless more information is requested)
Comment period	Varying length depending on application type and local rules
Threshold determination	Not before the end of comment period on the notice of application[80]
Administrative appeal of threshold determination (if any)	Must be filed within 14 days after notice of threshold determination[81]
Open-record pre-decision hearing	At least 15 days after the threshold determination[82]

Appeals

Local governments are not required to allow administrative appeals on SEPA decisions. If they do, they may **only** allow appeals of:[83]

- final threshold determination
- final EIS adequacy
- conditions or denial under SEPA substantive authority

Local governments may **not** allow appeal of the intermediate steps under SEPA,[84] such as:

- lead agency determination
- checklist adequacy
- scoping
- draft EIS adequacy

Usually, the administrative appeal hearing on the SEPA procedural determination must be consolidated with any open-record hearing on the underlying project permit and heard at the time of that open-record hearing.[85]

[77] See, e.g., WAC 197-11-100 and 197-11-335.

[78] WAC 197-11-055(4)(b).

[79] RCW 36.70B.080(1)(g).

[80] RCW 36.70B.110(6)(a).

[81] RCW 36.70B.110(6)(d).

[82] RCW 36.70B.110(6)(b).

[83] WAC 197-11-680(3)(a)(iii).

[84] WAC 197-11-680(3)(a)(ii).

[85] RCW 36.70B.110(6)(d).

But for a project permit application that **does *not* require** a hearing, the local government may offer a SEPA administrative appeal only on the following matters, which need not be consolidated with a hearing on the underlying project permit:[86]

- an appeal of a determination of significance (DS)
- an appeal of a procedural determination made by an agency when the agency is a project proponent, or is funding a project, and chooses to conduct its review under SEPA, including any appeals of its procedural determinations, prior to submitting an application for a project permit.
- an appeal to the local legislative authority under RCW 43.21C.060 or other applicable state statutes.

Staff Review

Most local government permit processes require the local permitting department to review the project permit application and make either a recommendation or a decision. That review should follow the requirements of the local government's development regulations but always include the required elements of review at the beginning of this chapter. In some cases, it is desirable to also draft proposed conditions of approval for the hearing body or the decision-maker.

Requests for More Information/Correction

The complexity of modern development regulations practically demands a procedure whereby a local government can request more information about a project permit application after it has been deemed procedurally complete. It is common practice for local governments to make multiple requests for more information from an applicant.

After procedural completeness, Chapter 36.70B does not constrain local government requests for more information. However, to the extent that each applicant's response adds to the local government's time for review of the application, local governments ought to be incentivized to minimize the number of such requests.

Any written notice from the local government to the applicant that additional information is required to further process the application must include a notice that non-responsiveness for 60 consecutive days may result in 30 days being added to the time for review.[87] The statute defines "non-responsiveness" to mean that an applicant is not making demonstrable progress on providing additional requested information to the local government, or that there is no ongoing communication from the applicant to the local government on the applicant's ability or willingness to provide the additional information.[88]

> **Consolidating comments**
>
> Local governments collect comments from their reviewers in various ways, but the new time periods for review (adopted by 2SSB 5290 in 2023) incentivize local governments to communicate those comments deliberately. For example, some cities collect comments electronically during plan review using their plan review software, and some cities expose those comments to the applicant in real time.

[86] WAC 197-11-680(3)(a)(vi).

[87] RCW 36.70B.080(1)(i).

[88] RCW 36.70B.080(1)(i).

Applicants get insight into the changes they'll need to make to their application. However, the applicant must still wait until the local government consolidates the comments and issues a review letter before responding with revisions. That allows the local government to stop the clock on the review time period at an identified point.

The local government then declines to accept piecemeal revisions. If staff find any correction still unaddressed during a cursory review of the applicant's response, they return the response with another review letter without spending time doing a full review.

Suspension of Review

Local governments may, according to their procedures, allow an applicant to request the suspension of review of their application.[89] An applicant might want to suspend review to:

- reconsider or rework their application
- obtain more time to respond to a request for more information
- temporarily stop incurring application review fees from the local government

Because the time an application is suspended does not count against the local government's review time period,[90] a suspension also affords the local government additional time to review that is "off the clock." A suspension that exceeds 60 days automatically extends the local government's review time period by an additional 30 days.[91]

Any such suspension should be requested by the applicant and approved by the local government in writing. Documentation of such suspension of review might include:

- the date the application was initially received
- the date the application was deemed complete
- the review time period applicable for the application (or consolidated applications)
- the number of days elapsed in the review time period so far
- the date the suspension of review started
- the length of the suspension of review
- the additional time to be added to the review time period as a consequence of the suspension
- a signature or other certification by the applicant requesting the suspension

A local government may set conditions for the temporary suspension of a permit application,[92] which might include limits on the number of times an applicant can suspend and restart review.

[89] RCW 36.70B.080(1)(g)(ii).

[90] RCW 36.70B.080(1)(g)(ii).

[91] RCW 36.70B.080(1)(h)(i).

[92] RCW 36.70B.080(1)(g)(ii).

Time Periods

In 1994, the Legislature required local governments to establish their own time periods for review of permit applications but gave no direction as to how long those time periods should be.[93] In 2001, the Legislature amended the law to specify that the review time period "should" not exceed 120 days.[94]

In 2023, the Legislature amended the law again. While continuing to permit (and direct) local government to set its own time periods for review of applications, the Legislature also inserted a breakdown of default time periods for application review that varies based on the type of review, as shown below.[95]

Type of Review	Review Time Period
Project permits NOT requiring public notice	65 days
Project permits requiring public notice	100 days
Project permits requiring public notice and a public hearing	170 days

Importantly:

- If a local government **does not** adopt its review time periods and categorization of permit types, it must follow the statutory default time periods shown above.[96]
- If a local government **does** choose to establish its own review time periods, it may not adopt any review time period that exceeds one of the statutory defaults.[97]

A significant exception to the rule above is that a local government is not limited to the statutory default review time periods when the local government:[98]

- adds permit types not identified in the statute;
- changes the permit names or types in each category;
- addresses how consolidated review time periods may be different than permits submitted individually;
- provides for how projects of a certain size or type may be differentiated, including by differentiating between permits that include a residential land use as a principal use of the land and permits that do not.

A local government's adoption of an ordinance to adopt its own time periods is not subject to review by the Growth Management Hearings Board, unless the local adoption includes a review time period of more than 170 days for any type of project permit.[99]

[93] Sec. 3 of ESSB 6339 (1994), 1994 c 257 s 3.

[94] Sec. 1 of ESHB 1458 (2001), 2001 c 322 s 1.

[95] RCW 36.70B.080(1)(d).

[96] RCW 36.70B.080(1)(f).

[97] RCW 36.70B.080(1)(a). This statute indicated a local government "should not" adopt lengthier time periods until revised to "may not" by ESSB 5611 (2025), although paragraph (1)(d) still reads "should not" for the same subject matter.

[98] RCW 36.70B.080(1)(e).

[99] RCW 36.70B.080(1)(k).

When does the review time period start?

The review time period applies to the period from “the day completeness is determined” to the “date a final decision is issued”.[100] The time period for review begins only when the application is complete, which reemphasizes the importance of determining **completeness**. (See the beginning of this chapter.)

> **Stick with calendar days!**
>
> The statute is clear that review time periods are to be measured in calendar days.[101] Local governments should not measure review time periods in business days, nor attempt to exclude weekends and holidays from review time periods.

The review time periods in RCW 36.70B.080 do not apply to the following application types:

- an application type to which Chapter 36.70B doesn’t apply; and
- an application type the local government chooses to exclude under RCW 36.70B.140 (see “Applicability” in the Introduction to this guidebook).

Conflicting Time Periods

In some cases, the 36.70B review time periods conflict with other required time periods, in which case both time periods apply but the local government should follow the shorter time period. For example:

- The subdivision statute requires local governments to issue a decision within 90 days for preliminary plats and within 30 days for final plats.[102]
- Federal law governing wireless facilities imposes mandatory shot clocks(shot here refers to a federally mandated deadline by which a local government must decide on a permit application), e.g., an application for a modification to an existing wireless facility that is not a substantial change must be approved within 60 days, after accounting for any tolling.[103] **Importantly**, these federal shot clocks are not measured from the date of completeness, as other permit types are, and have tolling mechanisms that differ from state law.

> **Practice Tip**
>
> A local government should configure its permit tracking software to track applications for wireless communication facilities that are governed by federal law as their own unique type of permit with their own timelines and review workflow.

Calculating the Time Period when Applications are Consolidated

A local government may adopt development regulations to address how review time periods for consolidated review may differ from applications that are reviewed individually.[104] If the local government does not prescribe

[100] RCW 36.70B.080(1)(g).

[101] RCW 36.70B.070(1)(c).

[102] RCW 58.17.140(1) for preliminary plats; RCW 58.17.140(2) for final plats.

[103] 47 CFR § 1.6100(c).

[104] RCW 36.70B.080(1)(e).

a method, the review time period for a consolidated review is the longest of the review time periods for the applications if reviewed individually (i.e., the time periods don't sum).[105]

> **Practice Tip**
>
> If a particular type of application blocks others from proceeding—e.g., a critical areas site plan approval—the local government might say that application type adds a fixed additional amount of time to the review time period when consolidated with other applications.

Days that are excluded from the time period

As a general matter, the review time period applies to days during which the application is in the hands of the local government, not when the local government is waiting for the applicant to respond.

State law excludes the following from the review time period:

- Any period between the day that the county or city has notified the applicant, in writing, that additional information is required to further process the application and the day when responsive information is resubmitted by the applicant[106]
- Any period after an applicant informs the local government, in writing, that they would like to suspend review temporarily[107] of the project permit application until the time that the applicant notifies the local government, in writing, that they would like to resume the application[108]
- Any period after an administrative appeal is filed until the administrative appeal is resolved and any additional time period provided by the administrative appeal has expired[109]
- Any reasonable period of additional time that the local government and applicant mutually agree to add to the review time period[110]

A city or county may desire to exclude other time periods from the review time period, such as the time required to prepare an EIS, if one is determined necessary during application review.[111] Chapter 36.70B does not explicitly authorize excluding additional time periods from the review time period, so a local government that desires to exclude such a time period might want to require that the exclusion be mutually agreed to in writing between the local government and applicant.[112]

[105] RCW 36.70B.080(1)(e).

[106] RCW 36.70B.080(1)(g)(i).

[107] A suspension of review of more than 60 days adds an additional 30 days to the review time period. RCW 36.70B.080(1)(h).

[108] RCW 36.70B.080(1)(g)(ii). Note that a suspension of review of 60 days or more adds an additional 30 days to the review time period. RCW 36.70B.080(1)(i).

[109] RCW 36.70B.080(1)(g)(iii).

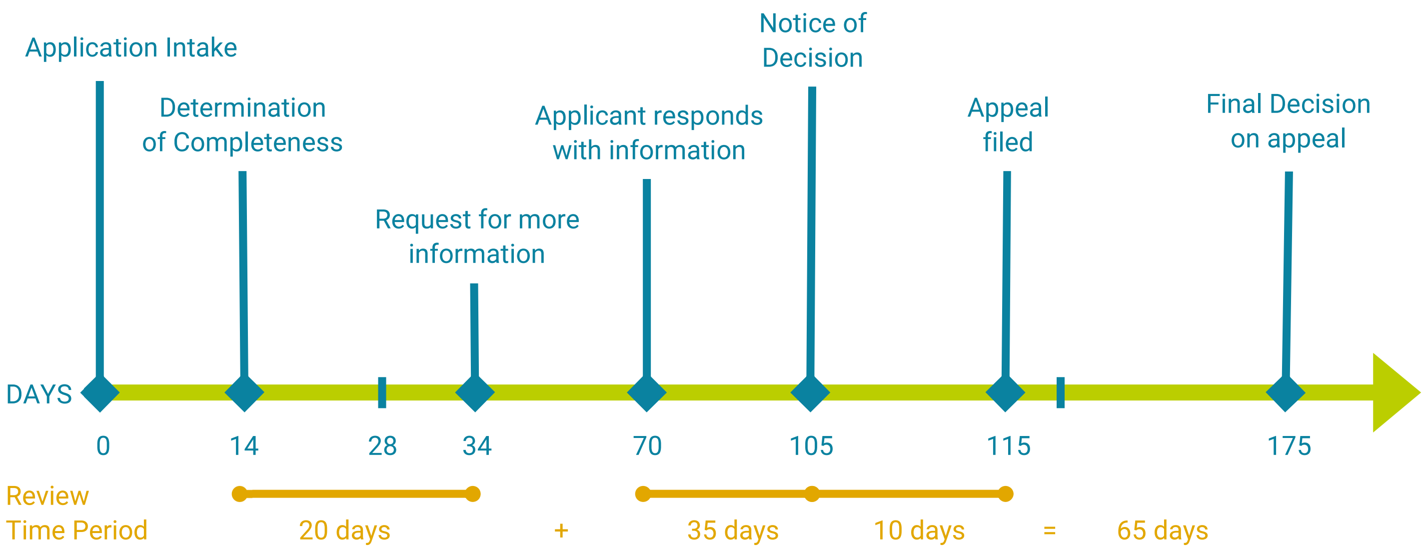
[110] RCW 36.70B.080(3). ESSB 5611 (2025) added a prohibition that "No local government may require or request an extension of an applicable deadline for issuance of a decision for a specific project permit application as a condition or an option at initial submission of a project permit application."

[111] While not present in Chapter 36.70B, the subdivision statute explicitly excludes "the time spent preparing and circulating the environmental impact statement by the local government agency" from its 90-day review time period. RCW 58.17.140.

[112] See, e.g., Seattle Municipal Code 23.76.005.B.

Counting days in the time period

The infographic below illustrates how application review might occur for an example application.



> **What about the time required for outside agency review?**
>
> Local governments should attempt to have application review by other agencies occur concurrently with the local government's own review to the maximum extent possible. As an alternative, local government could utilize RCW 36.70B.140 to exclude permit types that require lengthy and unusual outside-agency review from the process requirements altogether, or the mutual agreement for extension of review in RCW 36.70B.080(3).

Restarting the time period

State law specifically prescribes that the review time period restarts "if an applicant proposes a change in use that adds or removes commercial or residential elements from the original application that would make the application fail to meet the determination of procedural completeness for the new use…"[113] However, cities and counties can also establish other thresholds at which the review time period restarts when an application is modified.

When the time period expires

If the local government has not completed its review when the review time period expires, it should continue review and complete review as soon as possible. It may need to offer a partial fee refund (see the next section in this guidebook).

[113] RCW 36.70B.080(1)(h).

It is not permissible for the local government to deny or cancel the application simply because the review time period expires. Absent justification, that would likely give rise to a damage claim against the local government under RCW 64.40.020.

The statute does not require denial or expiration at the end of the review time period. The review time periods established pursuant to RCW 36.70B.080(1) are a constraint on local government review, not the applicant or the application. A local government may adopt, in its development regulations, provisions for expiring or canceling applications due to, e.g., applicant non-responsiveness, but not based exclusively on the local government's speed of review. See later in this chapter.

Fee Refunds

When a local government fails to complete review of an application within the applicable review time period, state law requires that the local government partially refund permit fees to the applicant.[114]

When the final decision on the application is made after the expiration of the review time period, the amount of the refund depends on the amount of time between the expiration of the review time period and the date the final decision is issued.[115]

Amount of Additional Time	Amount of Permit Fee to be Refunded
Up to 20% of the original review time period	10%
More than 20% of the original review time period	20%

As an alternative to refunds, state law allows the local government to collect only 80% of the permit fee and the remaining balance only if the review is completed within the review time period.[116]

> **Practice Tip: Implementation**
>
> Local governments should adopt development regulations and fee schedule amendments to implement the provisions in this section. Generally, local government staff should not issue refunds without authorization in a locally adopted policy from the relevant authority.

Fees excluded from permit fee refund

The law does not provide any additional specificity about which types of permit fees must be refunded, but it is reasonable to assume that fees that are not explicitly and specifically permit fees may be excluded from the refund requirement. Such fees would include:

- impact fees
- recording fees
- code enforcement fees
- third-party review reimbursements
- NSF charges

[114] RCW 36.70B.080(1)(l)(i).

[115] RCW 36.70B.080(1)(l)(i).

[116] RCW 36.70B.080(1)(l)(i).

- technology surcharges
- in-lieu fees

Process Improvement Measures

A local government may adopt at least three of the ten "process improvement measures" listed in RCW 36.70B.160(1) to exempt itself from the requirement to refund permit fees when it fails to complete application review within the review time period.[117] If a local government has already implemented some of the measures, it can count them toward the required three measures.[118]

Selecting process improvement measures

Not all the process improvement measures listed in RCW 36.70B.160(1) are described with the same level of clarity, nor require the same level of effort to implement.

> A local government is well advised to carefully choose the measures it can defend as fully implemented for compliance with the statute.

Considerations for each process improvement measure

The commentary is based on RCW 36.70B.160(1), but reflects the Department of Commerce's analysis, and is not itself law or rule.

(a) Expediting review for project permit applications for projects that are consistent with adopted development regulations

This first process improvement measure is particularly vexing. If a project permit application that is *inconsistent* with adopted development regulations should be denied, this measure would seem to require expediting review for all approvable applications.

Prior to the 2023 legislative session, RCW 36.70B.160 encouraged local government to provide expedited review of project permit applications that are (1) consistent with adopted development regulations and (2) within the capacity of systemwide infrastructure improvements. That second prong is not included in this process improvement measure.

(b) Imposing reasonable fees, consistent with RCW 82.02.020, on applicants for permits or other governmental approvals to cover the cost to the city, town, county, or other municipal corporation of processing applications, inspecting and reviewing plans, or preparing detailed statements required by chapter 43.21C RCW. The fees imposed may not include a fee for the cost of processing administrative appeals. Nothing in this subsection limits the ability of a county or city to impose a fee for the processing of administrative appeals as otherwise authorized by law;

This process improvement measure oddly reiterates the pre-existing requirement for a local government to impose only "reasonable" fees. (A local government that is charging **unreasonable** fees needs to adjust its fees regardless of whether it is trying to achieve process improvements.)

[117] RCW 36.70B.080(1)(l)(ii).

[118] RCW 36.70B080(1) refers to qualifying jurisdictions as those that "…have implemented at least three of the options…" The verb tense implies past implementation qualifies.

This measure is also potentially vexing because it does not allow local government to charge a fee for the cost of processing administrative appeals, which can be quite expensive for local government, and does not provide an exception for unsuccessful appeals.

(c) Entering into an interlocal agreement with another jurisdiction to share permitting staff and resources;

This process improvement measure is potentially attractive to local governments that have (1) aligned their land use codes so that staff can easily be familiar with multiple codes, (2) have some expectation that due to regional or other variations, application tempo may increase in one jurisdiction while decreasing or staying low in another jurisdiction.

Notably, this process improvement measure does not require a local government to **actually** share permitting staff and resources, just that it has adopted an interlocal agreement to do so.

(d) Maintaining and budgeting for on-call permitting assistance for when permit volumes or staffing levels change rapidly;

There is broad agreement among stakeholders that providing a mechanism for local government to quickly increase staff capacity is desirable and probably essential for meeting review time periods. As written, this measure requires not just budgeting for but "maintaining" on-call permitting assistance. A local government might implement this measure not just to obtain on-call IBC/IRC plans examiners (relatively easier because all jurisdictions use the same building code) but also consultants capable of reviewing inordinately complex applications to which the local government is not accustomed.

> **Practice Tip**
>
> A local government permitting department should not sacrifice the timely review of other applications when an application for a single massive project is submitted. Review of the bigger project, with appropriate oversight, should be outsourced to consultants.

See the Department of Commerce's resource plan to provide local governments with substitute permitting staff at https://deptofcommerce.app.box.com/s/lnz8uv60c6i93ij4pqrz9s8m7rrxn9ep.

(e) Having new positions budgeted that are contingent on increased permit revenue;

This measure is similar to but may be less attractive to local government than (d). However, unlike (d), this measure does not require a local government to actually hire the new positions, just to have budgeted for them contingent on increased revenue.

(f) Adopting development regulations that only require public hearings for permit applications that are required to have a public hearing by statute;

This measure is self-explanatory but may conflict with firmly held local views about the merits of public hearings, especially for large land divisions or unusual permit types.

The Department of Commerce has not generated a separate list of permits requiring public hearing by statute. The Municipal Research Service Center (MRSC) maintains a list of statutes requiring a public hearing, some of which involve permits, at https://mrsc.org/getmedia/44e20d0f-a536-473f-baac-bd7504323330/Local-Ordinances-For-Washington-Cities-And-Counties.pdf?ext=.pdf#page=39

(g) Adopting development regulations that make preapplication meetings optional rather than a requirement of permit application submittal;

This measure is perhaps the most straightforward on the list. Local governments may be reticent about making this change because of the inherent value of preapplication conferences, especially their potential to improve the quality of applications. But making preapplication meetings optional doesn't mean that preapplication meetings won't happen; it instead just shifts the choice as to whether to hold the meeting from the local government to the applicant. If the local government implements this measure, permitting staff are still free to advise applicants of the value and importance of pre-application meetings.

(h) Adopting development regulations that make housing types an outright permitted use in all zones where the housing type is permitted;

This measure is in line with other measures the Legislature has recently taken to encourage local governments to allow housing by right rather than through discretionary processes. The measure clearly does not require a local government to allow all housing types by right in all zones, but where a specific housing type is allowed at all, that allowance must not be through a conditional use permit or other discretionary process.

While the bill doesn't provide additional clarity, Commerce believes that a local government that seeks to implement this provision should delete any conditional use permit requirement for such housing, and instead either prescribe your desired standards for those uses in your code, or prohibit the use. Commercial uses that also include a housing aspect, such as assisted living or nursing home facilities, need not be considered a "housing type" for the purposes of this section.

(i) Adopting a program to allow for outside professionals with appropriate professional licenses to certify components of applications consistent with their license;

This measure seems intended to streamline application review by bypassing the need for local government to review application components that have received professional certification. The measure seems intended to allow the applicant, not the local government, to obtain certified outside professional review.

It seems likely that the local government does not need to allow **all** components to be certified by outside professionals. Instead, the measure envisions the local government "adopting a program" to enable the process, whereby a local government should be able to specify which components or types of components qualify for the certification process, and what types of professional licenses qualify to perform that certification. By its text, the statute only requires that the persons performing the certification be "outside professionals" with "appropriate professional licenses."

(j) Meeting with the applicant to attempt to resolve outstanding issues during the review process. The meeting must be scheduled within 14 days of a second request for corrections during permit review. If the meeting cannot resolve the issues and a local government proceeds with a third request for additional information or corrections, the local government must approve or deny the application upon receiving the additional information or corrections.

Implementation of this measure can help applicants who are struggling to understand permit requirements or permit departments that are struggling to review applications comprehensively. It is also potentially the most complex process improvement measure and the one that may be the most significant departure from how many permit departments have historically reviewed applications.

The objective of this process improvement measure seems to be to provide applicants with opportunities to (a) meet with local permitting departments to understand their application's deficiencies; and (b) break their application out of the permitting department's review cycle if the applicant disagrees with permitting staff's judgment on their application's deficiencies.

> This measure seems to function as follows: Suppose the standard review process for a given application requires Hearing Examiner review and City Council decision. If the applicant asks for the meeting described in this process improvement measure after a second request for information, upon receipt of the third submittal the permitting department should stop asking for more information, write its report and proceed to the next review step, e.g., forward it to the Hearing Examiner for recommendation. The permitting department should not summarily approve or deny the application—that would bypass the public process, which does not seem to be the intent of this measure.

Note that if a local government chooses to implement this measure, the local government must **offer** the meeting to the applicant after the second request for corrections but does not need to **require** the meeting. If the applicant doesn't take advantage of the meeting, the requirement to immediately process the application after the third submittal is not triggered. Note that the three-round process does not begin until AFTER an application is deemed complete and can be read not to include requests for responses to public comments.

It is possible for the permitting department to offer an opportunity to opt out of the required decision after the third review. Suppose the applicant's third set of corrections still does not meet standards and the local government would otherwise end up denying the application. In that case, the local government can offer a voluntary process for the applicant to waive the timeline obligation to continue the revision-and-review process.

For example, the applicant could request a suspension of the review of their application under RCW 36.70B.080(1)(ii) to afford them more time to provide the information the department is seeking. Such a time period would be excluded from the review time period (as would any time period in which the department is waiting for information from the applicant) and may also afford the department additional time for review of the application under RCW 36.70B.080(1)(i).

Alternatively, RCW 36.70B.080(3) excludes from the review time period a reasonable time period mutually agreed upon by the applicant and the local government, but that provision does not "suspend" review of the application. Therefore, the steps in the process in RCW 36.70B.160(1)(j) are not affected by that extension of the review time period.

The permitting department should clearly understand these options, communicate them to the applicant in writing, and document its choice.

Importantly, the three-revision process does not restart for each issue brought up during application review; the clear intent is for this performance measure to relate to only three rounds of review for the entire application. Critically, whether or not the review time period has expired is irrelevant to the question of what to do in these situations.

Local governments choosing to implement this performance measure must adopt and fill in the gaps in the three-round process described in the statute through local development regulations.

Demonstrating compliance

A local government that intends to exempt itself from permit fee refunds under this provision should adopt a resolution or ordinance describing its adoption of the measures (and identifying each). Such a resolution might state:

> **A Resolution Confirming Exemption from the Application Fee Refund Provisions of RCW 36.70B.080**
>
> Whereas Goal 7 of the Growth Management Act (RCW 36.70A.020) provides that local government permit applications should be processed in a timely and fair manner to ensure predictability;
>
> Whereas RCW 36.70B.080(1)(a) requires local government to adopt and comply with new time periods for review of permit applications effective January 1, 2025;
>
> Whereas RCW 36.70B.080(1)(l) requires a local government to refund application fees when permit time periods are not met for a given application, unless it has adopted and implemented at least three of the optional process improvement measures in RCW 36.70B.160(1) (a) through (j);
>
> Now therefore be it resolved that:
>
> [City/County name] finds it has adopted three of the options in RCW 36.70B.160(1) as follows:
>
>> [City/County name] has budgeted, and will continue to budget, for on-call permitting assistance for when permit volumes or staffing levels change rapidly, consistent with RCW 36.70B.160(1)(d);
>>
>> [City/County name] has adopted development regulations that make housing types an outright permitted use in all zones where the housing type is permitted, consistent with RCW 36.70B.160(1)(h);
>>
>> [City/County name] has adopted a procedure to offer a meeting with the applicant to attempt to resolve outstanding issues during the review process, consistent with RCW 36.70B.160(1)(j).
>
> Based on the foregoing, [City/County name] finds that it has complied with the exemption requirements of RCW 36.70B.080(1)(l)(ii) and is not required to refund permit application fees when an application is not reviewed within the required time period.
>
> Notwithstanding the foregoing, [City/County name] recommits itself to reviewing permit applications in a timely manner, consistent with its adopted review time periods.

> › If a local government opts to vary from its initially adopted three improvement measures, it should adopt a new resolution or ordinance memorializing that change.

Expiration/Cancelation

While not required by Chapter 36.70B, it is critically important that a local government prescribe in its development regulations how long a permit application is valid before it can be expired or canceled. Such a limit can be simple or complex, but should address at least the following situations:

- How long an applicant has to respond to a request for more information or corrections;
- Whether the applicant may request extension of the deadline (for how long, and how many times);

- The mechanism for application expiration/cancelation when the applicant exceeds those time limits;
- What recourse the applicant has, e.g., any appeal right on the decision to expire or cancel;
- The effect of the expiration/cancelation, e.g., whether the applicant is required to submit a new application and start again.

Note that expiration provisions for **applications** are distinct both from the state-required **time periods** for application review and from any expiration provisions for **issued permits**. Importantly, expiration/cancelation should only ever occur because an applicant is unresponsive or has tripped some other threshold established in the code, not because the local government has failed to process the application in a timely manner.

Decision

Methods

The final decision on a permit application can be (1) approval, (2) approval with conditions, or (3) denial. The final decision triggers a notice of decision (see Public Participation in this guidebook).

Conditions

A local government may impose **conditions** on a permit approval pursuant to authority to do so in its local development regulations. Conditions are necessary to impose requirements or changes that are not shown in the application materials or plans.

> **Practice Tip**
>
> Prefer simple conditions over requiring the applicant to make revisions.

A developer submits an application for a preliminary subdivision to create 10 residential lots. During the initial project review, city staff determined that a wetland is located within the proposed development area. This triggers the need for a wetland delineation and potentially a critical areas report. The application is placed on hold for additional information.

Under RCW 36.70B.070, the “review clock” pauses when the applicant is notified that their application is incomplete. Once the applicant submits the required wetland documentation and the city determines the application is complete, the 120-day review clock resumes. To accommodate additional environmental review and public comment timeframes, the applicant and city mutually agree in writing to extend the review period by 60 calendar days, as permitted under RCW 36.70B.080(1).

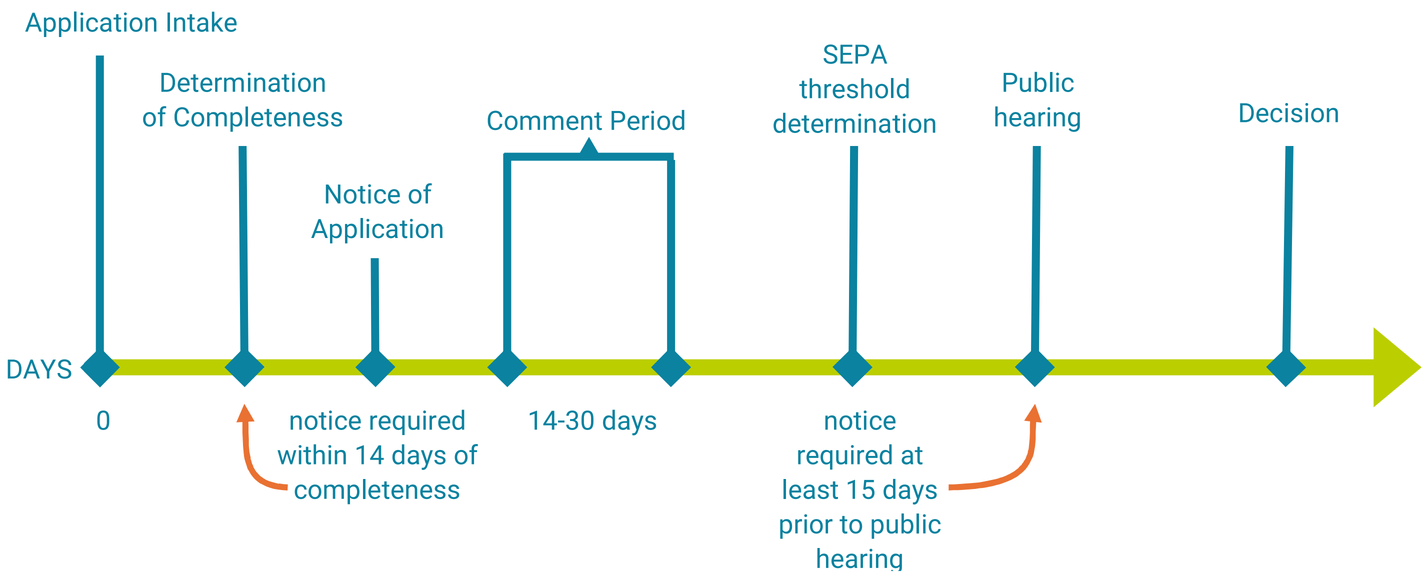
Chapter 4. Public Participation

The public participation requirements in Chapter 36.70B RCW are intended to provide a baseline for a local government's public participation program in application review.

Public Notices

Project Permit Application Lifecycle

Local government must issue notice at various stages of review of a project permit application when required, as shown in the graphic below for an example application.



Notice of application

Once an application is complete, the city or county must issue a Notice of Application *except* for project permits that are categorically exempt under SEPA, unless an open-record pre-decision hearing is required or an open-record appeal hearing is allowed on the project permit application.[119]

Timing

The Notice of Application must be provided within 14 days after the application is determined or deemed complete.[120]

Contents of the notice

The Notice of Application must contain all the following:[121]

- the date of application
- the date of the notice of completion for the application

[119] RCW 36.70B.110(5).

[120] RCW 36.70B.110(2).

[121] RCW 36.70B.110(2).

- the date of the notice of application
- a description of the proposed project action
- a list of the project permits included in the application
- if applicable, a list of any studies requested under RCW 36.70B.070
- the identification of other permits not included in the application to the extent known
- the identification of existing environmental documents that evaluate the proposed project
- the location (such as a URL) where the application and any studies can be reviewed
- a statement of the public comment period
- statements of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights
- the date, time, place, and type of hearing, if applicable and scheduled at the date of notice of the application
- a statement of the preliminary determination, if one has been made at the time of notice, of those development regulations that will be used for project mitigation and of consistency as provided in RCW 36.70B.030(2) and 36.70B.040
- any other information determined appropriate by the local government

> **Streamline notice creation**
> A local government should use templates for their notices of application that use plain language, avoid duplicate text, and allow staff to complete the template by filling in boxes rather than editing long sentences or paragraphs.
>
> **Minimize technobabble and legalese**
> Avoid the phrase "Notice is hereby given…" and other archaic terms from all documents. Think about the audience—is including section/township/range useful to help readers identify a project in their neighborhood, rather than using a simple address or local identifiers?

The comment period
The point of the Notice of Application is to provide notice to members of the public who may want to comment on the application. The statute requires that the comment period be **not less than fourteen nor more than thirty days** following the date of notice of application.[122]

Regardless of the formal dates of the comment period, the statute provides that the local government may accept public comments at any time prior to either:[123]

- the closing of the record of an open-record pre-decision hearing, if one is provided
- the decision on the project permit, if no open record pre-decision hearing

[122] RCW 36.70B.110(1)(e).

[123] RCW 36.70B.110(1)(e).

Distribution of the notice
The local government must use reasonable methods to distribute the Notice of Application to the public and may provide notice differently for different categories of project permits.[124] The statute provides the following examples of reasonable methods:[125]

- posting a sign on the subject property (in the case of site-specific proposals)
- publishing notice in the newspaper of general circulation in the general area where the proposal is located or in a local land use newsletter published by the local government
- notifying public or private groups with known interest in a certain proposal or the type of proposal being considered
- notifying the news media
- placing notices in appropriate regional or neighborhood newspapers or trade journals
- publishing notice in agency newsletters or sending notice to agency mailing lists, either general lists or lists for specific proposals or subject areas
- mailing to neighboring property owners

Local governments usually prescribe their methods of notice by resolution or ordinance, but if they have not done so, they must use the first two methods above. The published notice must include at least the project location, description, type of permit(s) required, comment period dates, and location where the full notice of application and the complete application may be reviewed.[126]

› **Consider alternatives to legal notices**

While it's common for local governments to purchase legal notices in their official newspapers for their Notices of Application, doing so increases the cost of permitting and is not required by state law if the local government adopts alternative reasonable methods by resolution or ordinance.

› **Don't delay legal notices**

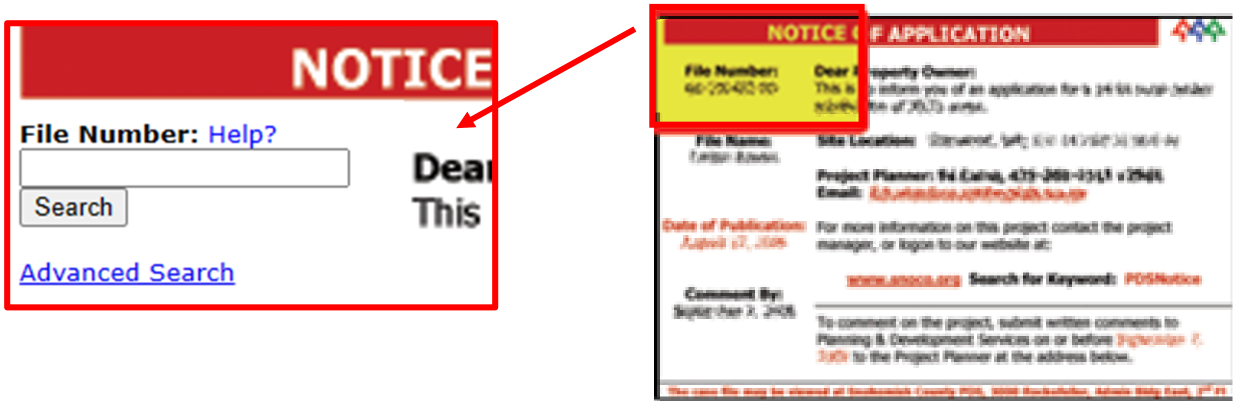
If a local government does require a legal notice, it should be published in a daily newspaper so the start of a public comment period is not delayed by waiting for a weekly publication. Permitting departments should also avoid **batching** legal notices; they should publish notices as soon as they're ready, not on specified days of the week.

While some local governments may mail the entirety of a Notice of Application, doing so is not required. Instead, some jurisdictions use postcard notices that provide minimal information about the requested permits and a link to where the reader can find more information.

[124] RCW 36.70B.110(4).

[125] RCW 36.70B.110(4).

[126] RCW 36.70B.110(4)(b).



Example of a Snohomish County postcard notification

Notice of Public Hearing

State law envisions including the date, time, and place of a public hearing in the Notice of Application.[127] But if the public hearing cannot be scheduled at the time of the notice (for example, because more information will be required for the application), then the permitting department will need to publish a notice of public hearing separately. Because the law requires the SEPA threshold determination at least 15 days prior to any open-record public hearing, the notice of public hearing should also be issued at least that long before the hearing.[128]

Notice of Decision

After a decision on a project permit application, a local government must issue a notice of decision for any application that also required a notice of application. The notice of decision gives interested parties a heads-up that the decision has been made and that the time period for any appeal has begun.

Contents of the notice

The notice of decision may be a copy of the report or decision on the project permit application, or may be another form of notice that includes:[129]

- a statement of the SEPA threshold determination
- the procedures for administrative appeal, if any
- a notice that affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation

Distribution of the notice

The local government must distribute the notice to:[130]

- the applicant
- any person who, prior to the rendering of the decision, requested notice of the decision
- any person who, prior to the rendering of the decision, submitted substantive comments on the application

[127] RCW 36.70B.110(2)(f).

[128] RCW 36.70B.110(6)(b).

[129] RCW 36.70B.130.

[130] RCW 36.70B.130.

- the county assessor's office
- and potentially others pursuant to RCW 36.70B.110(4) if the local government hasn't adopted more specific rules

Public Comment

A local government may accept public comments at any time prior to the closing of the record of an open record pre-decision hearing, or, if no open-record pre-decision hearing is provided, prior to the decision on the project permit.[131]

Local governments should create standard rules for public comments. Because comments create standing to appeal and trigger other requirements, each commenter must be able to be clearly identified. Therefore, local standards might require that each public comment include:

- Full name and full address
- Email address (if any)
- Permit number that is the subject of the comment
- Limitation on paper size and other formats (to facilitate copying)
- Comments to be as specific as possible[132]

> **Practice Tip**
>
> Requiring written public comments to be submitted via a webform with mandatory fields is a good way to capture necessary information. It also provides a mechanism to prevent lengthy attachments and can facilitate routing, compilation, and distribution of the comments.

Public Hearing

Public hearings provide opportunities for in-person presentations of project descriptions and live testimony in favor or in opposition. However, they rarely offer the opportunity for back-and-forth discussion or questions-and-answers.

[131] RCW 36.70B.110(2)(e).

[132] RCW 36.70B.110(6)(c).

Types of Public Hearings

As specified in local government rules, a public hearing on a project permit application might be pre-decision or post-decision and may be open-record or closed-record. The table below defines and compares these types.

	Open-Record	Closed-Record
Pre-Decision	A typical public hearing, for the purpose of soliciting input prior to a decision on the application. Only one such hearing is allowed per project permit application.	N/A
Post-Decision	An open-record appeal hearing is held after the permit decision when no open record pre-decision hearing was held on the application. New evidence may be submitted to build the record.	An appeal hearing on a permit, where an open-record hearing has already been held. Arguments are heard based on the existing record. No or limited new evidence or information is allowed.[133] Only one such hearing is allowed per project permit application.

Limitations

Except for the appeal of a determination of significance as provided in RCW 43.21C.075, the process for review of a project permit application may allow for no more than one open-record hearing and one closed-record appeal.[134] Suppose a local government elects to provide an appeal of its threshold determinations or project permit decisions. In that case, the local government may allow no more than one consolidated open record hearing on such appeal.[135]

Types of Hearing Bodies

Public hearings may be held before a Hearing Examiner, Planning Commission, or some other hearing body as prescribed by local rules, including potentially a City Council, County Council, or County Commission. Less frequently, local rules may prescribe that a Board of Adjustment conduct hearings.[136] Multi-member hearings bodies are subject to the Open Public Meetings Act, although their decision-making may be exempt.[137]

Hearing Procedures

Public hearings on permit applications are generally formal proceedings, due especially to the requirements of the Appearance of Fairness Doctrine (see below), where the resulting decision or recommendation needs to be based upon and supported by the factual record presented and developed at the hearing.

State law doesn't describe with specificity how public hearings are to be conducted but local governments should develop and adopt clear procedures for public hearings to that all parties get a fair hearing and so

[133] RCW 36.70B.020(1).

[134] RCW 36.70B.050(2) and .060(3).

[135] RCW 36.70B.060(6).

[136] RCW 36.70.200 and RCW 35A.63.110. RCW 36.70.970 and RCW 35A.63.110 also provide that if a code city or county has a hearing examiner, it need not utilize a Board of Adjustment.

[137] See RCW 42.30.140 and seek legal counsel.

similar types of permits are treated the same way.[138] Such procedures may limit comments from members of the public by time (three minutes is common but not required) and to the topic at hand while allowing more time for applicants, appellants, or staff to present their application or recommendation.

> **Practice Tip**
>
> Similar to the standards for written public comment described above, commenters at public hearings should also provide their full name and address so they can be clearly and individually identified. A sign-in sheet at the podium or elsewhere can facilitate collecting that information.

Combining the Hearing with Other Agency Hearings

If an applicant requests it, a city or county may combine the public hearing on its project permit application with any hearing that may be held by another local, state, regional, federal, or other agency if (a) the hearing is held within the geographic boundary of the local government and (b) the applicant agrees to the schedule if more time is needed to combine the hearings.[139]

Appearance of Fairness Doctrine

The **appearance of fairness doctrine** is both a judicially created and a statutory rule (Chapter 42.36 RCW) that creates significant liability and responsibility for local government officials, including volunteer planning commissioners, when involved in quasi-judicial matters.

Applicability

The appearance of fairness doctrine applies to **quasi-judicial proceedings**, which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceeding (and always in the context of deliberations and decisions on a project permit application).

The doctrine applies to such proceedings when conducted by:[140]

- a legislative body (i.e., the City Council or County Council or County Commission)
- planning commission
- hearing examiner
- zoning adjuster
- board of adjustment
- other related boards

Administrative[141] and **legislative** actions, including the following, are not subject to the doctrine:[142]

- actions adopting, amending, or revising comprehensive, community, or neighborhood plans or other land use planning documents
- the adoption of area-wide zoning ordinances

[138] MRSC has published a helpful script for the presiding officer at public hearings, available at https://mrsc.org/getmedia/f1921191-021e-4778-9284-8bd71400d7c6/MRSC-Public-Hearing-Script-Guide.pdf.

[139] RCW 36.70B.110(7).

[140] RCW 42.36.010.

[141] *Polygon v. Seattle*, 90 Wn.2d 59, 578 P.2d 1309 (1978).

[142] RCW 42.36.010 and RCW 42.36.030.

- adoption of a zoning amendment that is of area-wide significance

Requirement for fairness

The general requirement of the doctrine is that applicable proceedings must:

- be procedurally fair;[143] AND
- appear to be conducted by impartial decision-makers.[144]

Grounds for disqualification

Courts have identified three major categories of bias that can be grounds for the disqualification of a decision-maker performing a quasi-judicial function:[145]

- prejudgment of the issues
- partiality
- personal interest (including financial gain, property ownership, employment or prospective employment, associational/membership ties, and family or social relationships)

Limitation on communications

The appearance of fairness doctrine generally prohibits a member of the decision-making body from engaging in *ex parte* communication with opponents or proponents regarding the proposal that is the subject of the proceeding.[146] An *ex parte* communication occurs outside the record or the hearing on the matter. The cure for such communication that does occur is for that person to:[147]

- Place the substance of any *ex parte* communication into the record; AND
- Publicly announce the content of the communication and of the parties' rights to rebut the substance of the communication at each hearing where action is considered or taken.

> **Cautions about quasi-judicial proceedings**
>
> Lay members of decision-making bodies may have difficulty complying with the appearance of fairness doctrine. It can be especially difficult for elected officials to comply with the doctrine when their constituents (i.e., the people who voted them into office) want to talk to them about a pending land use issue they feel strongly about. This problem can be avoided by adjusting permit procedures to avoid situations that routinely put lay people in quasi-judicial proceedings.

[143] *Smith v. Skagit Co*., 75 Wn.2d 715, 740, 453 P.2d 832 (1969).

[144] *Buell v. Bremerton*, 80 Wn.2d 518, 523, 495 P.2d 1358 (1972).

[145] For a much more in-depth discussion of these issues, see MRSC, "The Appearance of Fairness Doctrine in Washington State" (2011).

[146] RCW 42.36.060.

[147] RCW 42.36.060.

Chapter 5. Permits

Overview

Applications vs. Permits

Regulations should always carefully distinguish between **permit applications** and **approved/issued permits**. The rules that apply to each are very different. This chapter discusses approved/issued permits.

Approval vs. Issuance

Some local governments distinguish between an **approved application** and an **issued permit**. In this context:

- an **approved application** may have completed review and been issued a final decision, but the applicant may not have paid final permit fees or picked up the permit
- an **issued permit** is a permit for which an applicant has paid all fees, the permit document has been issued by the local government, and the time limit for the expiration of the permit has started to run

Inspections

Although they are mostly beyond the scope of this guidebook and not addressed by Chapter 36.70B, inspections are an integral part of any permit process to ensure that permitted construction or activities are performed consistently with an approved permit. They are also required.[148] Importantly, inspections are not a substitute for reviewing an application, and field personnel should not perform plan reviews. But successful permitting results are not solely a function of plan review. Submitted plan quality, though important, is highly dependent on the experience levels of contractors, the design professionals' supervision, and the clarity of construction codes and standards. Even good plan reviews cannot identify every code deficiency or coordination problem, particularly in complex jobs.

> **Practice Tip**
>
> Inspectors are not supposed to review plans in the field; however, field visits often reveal ambiguities, conflicts, or omissions that can impact code compliance and project outcomes. Clear feedback loops must be established for plan reviewers to ensure that future submissions are improved. Cross-training inspection and plan review personnel facilitates communication, provides consistent interpretations of the code, and minimizes costly delays or rework. Although failures to meet special inspection requirements can occur, it is worth noting that special inspections are regulated under Section 1704 of the IBC and are typically established through engineered design criteria. Failures in this area may arise from engineering oversight or misunderstandings by the contractor, not necessarily from errors during the permitting review. Balancing coordination between qualified contractors, design professionals, and building inspectors is crucial for achieving code-compliant construction and effective permitting procedures.

[148] RCW 36.70B.160(3) as amended by 2023 c 333 and RCW 36.70B.160(4) as amended by 2023 c 338, and WAC 365-196-845(15).

Expiration

Local governments should adopt development regulations that specify when various types of issued permits expire if the construction has not been completed, the use established, or the document recorded. A simple table of expiration deadlines might look like the following:

Type of Permit	**Initial Term**	**Number of Allowed Extensions**	**Length of Allowed Extension**
Boundary line adjustment	1 year to record	1	1 year
Building permit	See IRC Section R105.5 or IBC 105.5		
Critical areas variance	3 years to establish the use, per [local code citation]		
Preliminary plat	Time to submit final plat is as set forth in RCW 58.17.140(3)		
Shoreline permit	See RCW 90.58.143 and WAC 173-27-090		
Special use permit	3 years to establish the use	1	1 year
Variance	3 years to establish the use	1	1 year

Practice Tip

Local governments should be sure to indicate what triggering event (such as recording a boundary line adjustment) defines the end of the permit term.

Revision

A local government should include in its development regulations a procedure for evaluating a request for revision of an issued permit. Such a procedure should include a threshold beyond which a revision request is instead to be considered an application for a new permit.

Revocation

Local governments may have provisions in their codes allowing the permitting department to revoke a permit when it is issued in error, or for non-compliance with the permit conditions, or other conditions. But the practice of revoking an issued permit is legally fraught and should be avoided.[149]

[149] *Chelan County et al. v. Nykreim*, 146 Wn.2d 904, 52 P.3d 1 (2002).

Chapter 6. Appeals

Overview

Appeals are an essential feature of due process, but because state law offers an appeal process through the Land Use Petition Act (LUPA)[150] and other mechanisms, it's not an essential feature of the local government's permit application process.

Appeals beyond local government

State law offers several appeal pathways for various types of land use matters. In the context of this guidebook, we are only concerned with project permit applications, not legislative enactments, but those are shown in the shaded portion of the table below to distinguish them from project permit appeals.

Type of decision	Appeal beyond local government
Land use approval (also building permits)	Superior Court (LUPA)
Rezone authorized by comprehensive plan[151]	Superior Court (LUPA)
Shoreline permit	Shoreline Hearings Board, then to Superior Court
Amendment to comprehensive plan	Growth Management Hearings Board, then to Superior Court
Amendment to development regulations	Growth Management Hearings Board, then to Superior Court
Amendment to shoreline plan	Growth Management Hearings Board, then to Superior Court

Decisions of the Superior Court are in turn appealable to the Court of Appeals and then to the State Supreme Court. The Superior Court is granted jurisdiction to hear most appeals by the LUPA. Based on case law, LUPA certainly applies to all the following types of permits.

- Building, grading, demolition
- Site-specific rezones
- Site plans, plats, subdivisions
- Boundary line adjustments
- Planned Unit Developments
- Conditional Use Permits
- Special Use Permits
- Construction approvals (e.g., for plat infrastructure)
- Variances
- Impact fees
- Code enforcement
- Director interpretations

Other than decisions that arise from the Shorelines Hearings Board,[152] LUPA can be assumed to apply to decisions on nearly all types of project permits.

But before the Superior Court is authorized to hear an appeal, the appellant must "exhaust their administrative remedies." That is, the appellant must administratively appeal at the local government level if the local

[150] The Land Use Petition Act, Chapter 36.70C RCW, governs judicial review of land use decisions. In 1995, the Washington State Legislature adopted LUPA to provide direct judicial review of land use decisions.

[151] Note that whether the rezone is "site-specific" or not is immaterial to the determination of who hears the appeal. *Spokane City. v. E. Wash. Growth Mgmt. Hearings Bd.*, 176 Wn. App. 555, 309 P.3d 673 (2013).

[152] RCW 36.70C.030(1)(a)(ii).

government offers such an appeal.[153] An appellant must also file a LUPA appeal within 21 days of the local government's final decision on appeal. An untimely appeal is barred.

Local Appeals

Why should a city or county offer a local appeal?

State law does not require local government to offer its own appeal process for project permit applications. But for a variety of reasons, local governments are incentivized to offer administrative appeals:

- **Permitting can be complex**. It's possible for local government to make errors that deprive applicants of approvals to which they would otherwise be entitled.
- **Permitting can be highly consequential.** Applicants sometimes experience significant damages as a result of erroneous local government permitting decisions. Offering an administrative appeal provides an opportunity for the local government to reverse that decision before the matter gets to a court, where the city or county could be ordered to pay damages.
- **Different parties may have different views**. An appeal may be heard by the local government's legislative body, who may want to take the opportunity to correct or change a staff interpretation of local code.

Who should hear appeals?

Because the fact that a permit decision is being appealed inherently means that the matter is more complicated than others, ideally a Hearing Examiner or other professional staff would hear appeals. In some cases, it may also make sense or be otherwise desirable for the local government's legislative body (the City Council, County Council, or County Commission) to hear appeals.

[153] RCW 36.70C.060(d). Note there are other criteria required for LUPA standing that this guidebook does not attempt to fully describe.

For example, a local government might divide its permits into four types, each with different entities making the decisions and opportunities for appeal, as shown in the table below.

Application Type	**Type 1** **Director decision without notice**	**Type 2** **Director decision with notice**	**Type 3** **Hearing Examiner decision**	**Type 4** **City Council decision**
Pre-decision open-record public hearing	None	None	Yes, held by Hearing Examiner	Yes, held by Hearing Examiner
Comment period	None	15 days	15 days	15 days
Recommendation by	None	None	Director	Hearing Examiner
Local appeal available to	None	Hearing Examiner	City Council	None
Appeal hearing type	N/A	Open-record	Closed-record	None

> **Practice Tip**
> Local governments should allow appeals only for decisions, not recommendations. A recommendation from a lower body (e.g., a Planning Commission) to a City Council (or County Commission) should not be simultaneously appealable to the City Council (or County Commission).

Applicability of Review Time Periods

The review time periods required by RCW 36.70B.080 exclude:

- the period after an administrative appeal is filed until the administrative appeal is resolved; and
- any additional time period provided by the administrative appeal;[154]

but not:

- the period between the local government's initial decision on the permit application and the filing of the administrative appeal.

Some local governments have nonetheless excluded this last period in their local code as a sensible extension of the statutory scheme.[155]

Local Appeal Process

Standing to appeal

The local government must clearly define in its development regulations who may have standing to appeal, that is, the right to file or participate in an appeal. Typically, the following parties have standing:

[154] RCW 36.70B.080(1)(g)(iii).

[155] Seattle Municipal Code 23.76.005.A.4.

- the applicant[156]
- the permitting department
- persons aggrieved by the decision
- persons or agencies who commented on the application prior to decision (sometimes called "parties of record")

Time to file

Suppose a local government offers an administrative appeal. In that case, the appeal must be filed within 14 days after the notice of the decision or after other notice that the decision has been made and is appealable.[157] The local government must extend that appeal period for an additional 7 days if state or local rules adopted under chapter 43.21C RCW allow public comment on a determination of non-significance issued as part of the appealable project permit decision. This time limitation is consistent with the Legislature's policy goal in the LUPA statute, which is to provide a timely and expedited review of land use appeals.[158]

Limitations on the record

State law allows only a single closed-record appeal for each project permit application but also allows an open-record appeal (which could be desirable when the application review process didn't previously include a public hearing) if no open-record pre-decision hearing has been held on the project permit.[159] It is unclear whether state law allows more than one appeal opportunity—an open-record hearing followed by a closed-record hearing.

In a closed-record hearing, the hearing officer or hearing body receives arguments based on the existing record. No or limited new evidence or information is allowed.[160] This rule may force closed-record appeal hearings to support a motion process where appellants or respondents can move to exclude certain evidence from the hearings. This can become particularly messy where the hearing body is a group of lay people, such as the elected legislative body.

Standards of review

In its development regulations, a local government must establish the standard of review that the appellate body or officer must apply to the matter being appealed. The typical standard is "clearly erroneous," meaning that the permit decision must be upheld unless the appellate body or officer is left with the definite and firm conviction that a significant mistake was committed.

Time to decision

A local government's development regulations should include a limitation on how long the appellate body or officer has to decide on an appeal. In the case of a contracted hearing examiner, the development regulations should also specify a course of action if the hearing examiner fails or refuses to deliver a decision.[161]

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[156] The applicant is always considered a party to an appeal. RCW 36.70B.110(10).

[157] RCW 36.70B.110(9).

[158] RCW 36.70C.010 and .090.

[159] RCW 36.70B.020(3).

[160] RCW 36.70B.020(1).

[161] See, e.g., Emma Fletcher-Frazer, "Former Skagit County hearing examiner found in contempt of court," *Skagit Valley Herald* (January 6, 2024), and subsequently adopted Skagit County Code 14.06.410(10)(a)(ii).

Resolution of the Appeal

A local government's decision on appeal should include findings of fact, conclusions of law, and a decision. A local government's development regulations might consist of several options for an appellate body or officer to choose from in deciding an appeal, including:

- deny the appeal and sustain the permit decision;
- grant the appeal and overturn the permit decision;
- grant the appeal and remand the permit decision to the decision-maker for further fact-finding and a new decision.

Remand

One of the most powerful options for the appellate body or officer is send the permit decision back to the original decision-maker. The appeal decision should make clear the instructions to the decision-maker. Other facts should be requested from the parties for addition to the record, for example, and any corrections to the decision-maker's conclusions of law.

Reconsideration

A final decision on appeal may, in some cases, be adverse due to a slight factual error, misunderstanding of an argument, or other oversight. In such cases, the losing party requests **reconsideration** from the appellate body or officer, who usually decides the matter without another hearing or argument.

> **Practice Tip**
>
> A local government's development regulations should be explicit about whether reconsideration is allowed, and should not require an appellant to seek reconsideration. When a motion for reconsideration is filed, the final land use decision that triggers the 21-day window for a LUPA appeal occurs on the date the decision is made on the motion for reconsideration, not the date of the original decision on appeal.[162] It's generally useful for a local government to clearly articulate when "exhaustion of administrative remedies" occurs.

[162] RCW 36.70C.020(2)(c).

Chapter 7. Administration

Code Interpretations

Local governments must adopt procedures for the administrative interpretation of their development regulations.[163] This may include requests from an individual applicant to determine the applicability of a given code section to their project, or may be more broad to include requests from members of the public for an interpretation of the code applicable to a broad set of circumstances. Local government procedures should prescribe:

- who makes the interpretation
- whether the interpretation can be appealed
- time limits for the local government's response to a request
- whether a fee is required
- the effect of the interpretation (e.g., is it binding on the local government in a later proceeding involving the same or different decision-maker)
- where and how such interpretations are catalogued or may be referenced

If allowed by local rule, state law allows the re-examination of code interpretations during application review.[164] Code interpretations may also be appealed under the Land Use Petition Act (Chapter 36.70C RCW).[165]

> **Docket your administrative interpretations**
> A best practice for a local government is to include code interpretations in the annual docket of proposed code amendments for review by the legislative authority and integration into its development regulations, while also reviewing customer and staff handouts, application forms, and other materials to ensure any resulting guidance reflects those interpretations accurately.

Monitoring and Enforcement

Cities and counties are required to adopt procedures to monitor and enforce permit decisions and conditions.[166] Inspections (see Chapter 5, Permits) are the most common monitoring method.

Performance Tracking

While the annual performance reporting requirement (described in the next section of this guidebook) is only applicable to a subset of cities and counties, all jurisdictions should track their performance even when reporting is not required for three reasons:

- A local government is responsible to an applicant to complete review of their application within the review time period (whether or not the fee refund requirement applies). An applicant may have a claim

[163] RCW 36.70B.110(11).

[164] RCW 36.70B.030(3).

[165] See *All. Inv. Grp. of Ellensburg, LLC v. City of Ellensburg*, 189 Wn. App. 763, 358 P.3d 1227 (2015), amended on denial of reconsideration (Oct. 20, 2015).

[166] RCW 36.70B.160(3) as amended by 2023 c 333 and RCW 36.70B.160(4) as amended by 2023 c 338, and WAC 365-196-845(15).

for damages under RCW 64.40.020 if the application is not reviewed within the review time period.[167] If the local government is routinely exceeding the review time periods, it should improve its performance to avoid that liability or adopt new review time periods it can reasonably achieve.

- A local government that does not complete a review of an application within the review time period may owe the applicant a partial fee refund. See the Fee Refunds section in this guidebook.
- A local government that has adopted three performance improvement measures from the list of ten measures in RCW 36.70B.160 (to avoid the requirement for fee refunds) must adopt additional measures in later years if it still does not review applications within the review time periods at least half the time.[168] To know whether your city or county is doing so, you must track your performance.

Importantly, the performance tracking required by these situations **applies to all types of project permits, all types of review, and all applicants**. Local governments should track compliance with the review time period for all permits individually and must be able to analyze such compliance in the future. This performance tracking may also be useful for the subset of local governments required to submit five-year performance reports under RCW 36.70A.130(9).

Annual Performance Reporting

In 2023, the Legislature changed the annual performance reporting requirement, effective starting 2025, to refocus reporting metrics on multifamily housing. These annual performance reports must be submitted to the Department of Commerce, which will aggregate them and publish them on its website. The reports will be used by the Legislature and others to gauge performance on multifamily housing permitting in high-growth areas. Importantly, these reports are not used for fee refund determinations (see the Fee Refunds section in this guidebook).

Who must report?

Buildable lands counties and the cities within those counties with populations of 20,000 or more are required to annually report on their permit application processing performance.[169] Those counties are:

- Clark
- King
- Kitsap
- Pierce
- Snohomish
- Thurston
- Whatcom

The cities of at least 20,000 population within these counties include:[170]

[167] This liability may also extend to review of building permit applications, because RCW 64.40.020 applies to all permits, not just project permits.

[168] RCW 36.70B.160(2).

[169] RCW 36.70B.080(2)(b).

[170] Based on 2023 population data from https://mrsc.org/research-tools/washington-city-and-town-profiles. If a smaller city within these counties grows to at least 20,000 population, it will become subject to the requirement.

- Arlington
- Auburn
- Bainbridge Island
- Battle Ground
- Bellevue
- Bellingham
- Bonney Lake
- Bremerton
- Burien
- Camas
- Covington
- Des Moines
- Edmonds
- Everett
- Federal Way
- Issaquah
- Kenmore
- Kent
- Kirkland
- Lacey
- Lake Stevens
- Lakewood
- Lynnwood
- Maple Valley
- Marysville
- Mercer Island
- Mill Creek
- Monroe
- Mountlake Terrace
- Mukilteo
- Olympia
- Puyallup
- Redmond
- Renton
- Sammamish
- SeaTac
- Seattle
- Shoreline
- Tacoma
- Tukwila
- Tumwater
- University Place
- Vancouver

What types of permit types are subject to this reporting?

Among other requirements, the statute requires that an applicable local government report the total number of decisions issued during the year for the following permit types:[171]

- preliminary subdivisions
- final subdivisions
- binding site plans
- permit processes associated with the approval of multifamily housing (which may include building permits)
- construction plan review for each of these permit types when submitted separately

How to report

The Department of Commerce has published a detailed guide to the annual performance reporting requirement and developed a template spreadsheet that reporting cities and counties must use. You can find the annual performance reporting guidance on the Department of Commerce's Local Project Review website.

[171] RCW 36.70B.080(2)(b)(ii). Note the statute requires reporting of "permits," and does not limit applicability to "project permits."

Chapter 8. Development Agreements

Overview

A development agreement is a voluntary contract between a local government and a property owner for a defined geographic area that allows the property owner to vest an entire project instead of vesting individual permit applications as each application is submitted.

The defined geographic area is commonly within the jurisdiction but can be outside the jurisdiction as part a proposed annexation or service agreement.[172] A development agreement spells out both parties' obligations and specifies the standards and conditions that govern the development. By clearly defining responsibilities, timelines, financial provisions, and other critical elements, these agreements mitigate risks and promote legal certainty.

The Legislature provided the authority to create development agreements in 1995 in response to concern that without certainty during the permit review and approval process, resources—both public and private—may be wasted, development costs would rise, and the failure to adhere to comprehensive planning would result in an economic cost to the public.[173] In the 30 years since the Legislature created development agreements, many local governments have used them successfully..

Contents

Required components

A development agreement must clearly:

- define the **geographic area** to which it applies
- identify the **term** of the agreement
- **reserve authority** to impose new or different regulations to the extent required by a serious threat to public health and safety[174]

Development standards

A development agreement must also set forth the **development standards** that will apply to the property for the term of the agreement. Those standards could include:[175]

- project elements such as permitted uses, residential densities, and nonresidential densities and intensities or building sizes
- the amount and payment of impact fees imposed or agreed to in accordance with any applicable provisions of state law, any reimbursement provisions, other financial contributions by the property owner, inspection fees, or dedications
- mitigation measures, development conditions, and other requirements under chapter 43.21C RCW

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[172] RCW 36.70B.170(1).

[173] ESHB 1724 (1995).

[174] RCW 36.70B.170(4).

[175] RCW 36.70B.170(3).

- design standards such as maximum heights, setbacks, drainage and water quality requirements, landscaping, and other development features
- affordable housing
- parks and open space preservation
- phasing
- review procedures and standards for implementing decisions
- a build-out or vesting period for applicable standards
- any other appropriate development requirement or procedure

Importantly, the development standards must be consistent with otherwise applicable development regulations.[176] Suppose the local government's development regulations allow some discretion in how those regulations apply or what mitigation is necessary. In that case, the development agreement should specify how the county or city will use that discretion. Development agreements allow local governments to combine an agreement on the exercise of its police power with the exercise of its power to enter contracts. Development agreements do not provide means of waiving or amending development regulations that would otherwise apply to a project.[177]

Consideration

Finally, a development agreement should identify **consideration** (the bargained-for exchange) for the local government's grant of vesting and other special regulations. That may include a requirement that the land owner (but also in some cases, the local government) fund or provide services, infrastructure, or other facilities,[178] including those that otherwise could not be justified on the basis of nexus and proportionality tests.

> **Practice Tip**
>
> Local governments should consider how to ensure the costs and difficulties of administration of a complicated development agreement with development standards inconsistent with the remainder of the jurisdiction, especially if the local government makes heavy use of development agreements.
>
> Even after the term of the agreement has ended, it may be necessary to maintain the different sets of regulations for neighborhoods previously subject to the agreement, lest the constructed building and uses become a non-conforming use. Much of this concern can be mitigated by strictly adhering to the requirement that development agreements be consistent with the underlying zoning.[179]

Vesting

From the landowner's perspective, the primary feature of a development agreement is the insulation it provides the project area from changes in zoning.[180] In this way, a development agreement is said to be "vested"—although it's technically the project permit applications submitted subsequent and pursuant to the approval of

[176] RCW 36.70B.170(1).

[177] WAC 365-196-845(17)(a).

[178] RCW 36.70B.170(4).

[179] RCW 36.70B.170(1).

[180] RCW 36.70B.170-180.

the development agreement that receive the vesting. State law requires that the development, use, and mitigation all benefit from this vesting.[181]

Adoption

Process

A development agreement is a contract[182] that must be approved by the local government's legislative authority by resolution or ordinance. State law requires the local government (either the legislative body, planning commission, hearing examiner, or other designated body) to hold a public hearing prior to approval.[183]

Development agreements are often adopted together with a SEPA Planned Action Ordinance, which performs environmental review for an entire project upfront, rather than piecemeal at the time of individual project permit application.[184] SEPA review is then not required for projects that qualify under the Planned Action Ordinance.

Finally, the development agreement must be recorded with the County recording office to run with the land subject to the agreement, which is binding on the parties and their successors.[185] Depending on how the agreement is written, it may also be desirable to codify its terms into the local government's development code.

Amendment and termination

Such as any other contract and only by mutual agreement of the parties, development agreements may be amended or terminated after execution. It may be wise to include options within the development agreement itself for circumstances where economic conditions or other events make compliance with the terms of the agreement difficult. As with any other contract, a development agreement should include terms specifying the consequence of breach, such as termination or specific performance.

[181] RCW 36.70B.170.

[182] RCW 36.70B.170(4).

[183] RCW 36.70B.200.

[184] RCW 43.21C.031; WAC 197-11-164 and 168.

[185] RCW 36.70B.190.

Appendix A. Additional Resources

- Department of Commerce, Local Project Review Program
  https://www.commerce.wa.gov/growth-management/gma-topics/local-project-review/

- Department of Ecology, SMP Guidebook
  https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Shoreline-coastal-planning/Shoreline-Master-Programs

- Department of Ecology, SEPA Handbook
  https://ecology.wa.gov/regulations-permits/sepa/environmental-review

- MRSC, 2023 Legislative Updates to Modernize and Streamline Local Project Review
  https://mrsc.org/stay-informed/mrsc-insight/september-2023/2023-updates-to-local-project-review

Appendix B. Summary of Chapter 36.70B RCW

Section	Description
36.70B.010	Findings and legislative declaration
36.70B.020	Definitions
36.70B.030	Required elements of project review
36.70B.040	Determining consistency during project review
36.70B.050	(1) Requirement to combine environmental review with project review (2) Prohibiting more than one open record hearing and one closed record appeal
36.70B.060	Requirement for cities and counties planning under GMA to establish an integrated permit process that includes various elements described by other sections of 36.70B (e.g., determination of completeness, notice of application, notice of decision)
36.70B.070	Determining completeness within 28 days
36.70B.080	(1)(a) Requirement to adopt time periods for application review; locally adopted time periods should not exceed default time periods in this section (1)(b) Requirement to specify the contents of a complete application (1)(c) Authority to exclude certain permit types per RCW 36.70B.140 (1)(d) Default time periods (1)(e) Authority to modify types and categories and determine how consolidated review time periods are measured (1)(f) Default time periods are effective unless others are adopted (1)(g) Time periods run from date of completeness; list of exclusions (1)(h) Time period restarts if application changes to fail determination of completeness (1)(i) Applicant may temporarily suspend review of an application; extends review time period (1)(j) Annual amendments to comp plan not subject to this section (1)(k) Adoption of time periods not subject to GMHB review (1)(l) Permit fee must be refunded if time period not met, unless 3 of 10 performance improvement measures in RCW 36.70B.160 have been adopted (2) Requirement for buildable lands counties and the cities of 20,000 population or more within them to prepare annual performance reports (3) Explicit authority to mutually agree with applicant to extend time period
36.70B.100	Authority to require applicant to designate a single person or entity to receive notices

Section	Description
36.70B.110	Requirement to provide notice of application, timing, distribution (6) No requirement to provide administrative appeals of threshold determinations; timing (7) Requirement to allow consolidation of public hearing with that required by another agency (9) No requirement to provide administrative appeals of permit application decisions; timing (10) Applicants are always party of record in a comment period, hearing, or appeal
36.70B.120	(1) Requirement to establish integration/consolidated review process; requirement for a designated permit coordinator (2) Authorization for varying procedures; limitation to single open-record hearing and no more than one closed-record appeal (3) Authorization to vary decision-maker, hearing body/officer, and appellate body/office for different categories of permits; authorization to combine an open-record pre-decision hearing on a permit with an open-record appeal hearing on other permits.
36.70B.130	Requirement to provide notice of decision; content; distribution
36.70B.140	(1) Authorization to exclude certain types of project permits from 36.70B.060-080, .110, and .130 (2) Authorization to exclude boundary line adjustments and permits that are categorically exempt from SEPA from 36.70B.060 and .110-.130. (3) Requirement to exclude project permits for interior alterations (with some exception) from site plan review
36.70B.150	Authorization for local governments not planning under GMA to use RCW 36.70B.060-.080, .110, and .130.
36.70B.160	As amended by 2023 c 333: Encouragement for cities and counties to expedite review for affordable dwelling units. As amended by 2023 c 338: (1) Encouragement to adopt certain review process improvement measures (2) Requirement to adopt certain review process improvement measures if the city or county is not meeting review time periods adopted per RCW 36.70B.080(1) at the time of its next comprehensive plan update after 2026 (3) No prohibition on a city or county requiring a pre-application conference by rule (4) Requiring cities and counties to adopt procedures to monitor and enforce permit decisions and conditions.
36.70B.170	Authorization to use development agreements Requirement that development agreements be consistent with applicable development regs
36.70B.180	Enforceability of development agreements and insulation from underlying zoning amendments
36.70B.190	Requirement to record development agreements with county recorder Transferability when area is incorporated

Section	Description
36.70B.200	Requirement for a public hearing before approval of a development agreement
	Applicability of LUPA (RCW 36.70C) to a project permit application related to the development agreement
36.70B.210	No authorization to impose certain fees or other financial contributions as part of development agreements
36.70B.220	(1) Requirement for cities and counites of 10,000 or more population to designate staff to assist permit applicants
	(2) Requirement to provide handouts explaining local government regulations and policies
36.70B.230	Requirement for city or county planning under GMA to provide the county assessor a copy of its comprehensive plan and development regulations by July 31, 1997
36.70B.240	Department of Commerce grant program for cities and counties that commit to consolidated review of building and other permits
36.70B.241	Department of Commerce grant program to support conversion from paper to digital permit systems
36.70B.245	Requirement for Department of Commerce to provide guidance in setting fee structures
36.70B.250	Requirement for Department of Commerce to create a performance report template
36.70B.260	Limitation on city and counties to require certain materials as part of applications for electricity facilities
36.70B.270	Construction crane safety (added in 2024)
36.70B.900	Severability

Appendix C. Best Practices for Drafting Local Application Review Procedures

Defined Terms

Standardize your use of terms throughout your procedures. Wherever possible, use terms that are used in Chapter 36.70B RCW or other relevant statutes.

Use only a single term to express an idea

Don't mix multiple terms when you're writing about a single concept. Doing so creates the possibility that the reader will infer that you intend an alternative term to have a different meaning.

For example, when writing regulations to adopt time periods for application review (such as those required by RCW 36.70B.080), use only the term "review time period." Don't occasionally use alternative terms such as:

- timeline
- deadline
- time limit
- by-when

Clearly distinguish applications from permits

When writing processes, do not confuse applications for permits and issued permits. Each should be treated separately.

Use the terms used in the statute instead of local vernacular

Using common terms helps readers of code across multiple jurisdictions understand the content and context.

For example:

Instead of this term	Use this term
Administrative Official	Director
Decider	Decision-maker
Developer, proponent	Applicant
Development permit	Project permit, building permit
Hearing Examiner, Planning Commission	Hearing body, hearing officer (especially if it varies among review processes)
Notice of Development Application	Notice of Application
Submittal	Application
Time limit, timeline, deadline	Time period for review [or review time period]
Pre-development meeting, development review group meeting	Pre-application conference

Use defined terms to simplify regulations
For example, instead of writing "director or his/her designee" over and over throughout your regulations, define the term "director" to mean "the head of the [planning] department or the director's designee." You can then use only the term "director" throughout your code while always capturing the opportunity for the director to delegate the work to someone else.

Similarly, instead of repeatedly writing "Planning, Community, Economic Development, and Permit Services Department," define "Department" to mean the department you are referencing and then use the capitalized term "Department" throughout your code.

Definitions

- Define words in the singular, not the plural.
- Don't include substantive rules in a definition (known as a "stuffed" definition). Instead, consider including a cross-reference to the code section where the substantive rules live, e.g.:
- Don't re-define plain English words to mean something contrary to their plain meaning (e.g., don't redefine "abutting" to also mean "near").

Time Limits

In addition to the review time periods that are now required by state law (see the Review Time Periods section in this guidebook), a local government's permit procedures should constrain all elements of the application/permit lifecycle. Prescribe limits on:

- the amount of time an applicant has to respond to a determination their application is procedurally incomplete
- the amount of time the local government has to review various types of applications (RCW 36.70B.080)
- the amount of time an applicant has to respond to a request for more information or correction
- the amount of time, and number of times, an applicant can suspend review of their application
- the amount of time an application is valid before the local government issues a decision
- the amount of time an applicant has between the local government's approval of the application and when the applicant picks up the issued permit
- the amount of time a permit is valid before it expires
- the amount of time (and number of times) for which a permit may be renewed

Writing Style

- Use plain language. See www.plainlanguage.gov for more information.
- Words of Authority
  - Avoid "shall," which can be ambiguous. Replacing "shall" with "must" (or in some cases, replacing "shall" with "is") helps the writer think through exactly what rule is intended.
  - Avoid "will," which is predictive narrative, not regulatory text.
  - Use "may" where you intend to express permission, discretion, or authority.
  - Avoid "should," as it does not provide clear instruction as to whether the rule must be followed.
  - "Must not" and "may not" are nearly synonymous, but choose one and use it consistently.
  - Use "if" instead of "when" or "should" to express the conditional.

- “Which” is for nonrestrictive clauses and is generally overused. “That” is for restrictive clauses. It can be critically important that you use the correct word.
- Write in the singular, e.g., “An applicant must do X and Y,” not “Applicants must do X and Y.” Writing in the plural introduces ambiguity about whether the rule applies to the group or an individual.
- Prefer active voice and avoid nominalizations, e.g., use “the applicant must apply for X,” not “the applicant must submit an application for X.”
- Clearly identify the actor unless context requires otherwise.
- Never use “provided” or “notwithstanding.”
    - To introduce a qualification or limitation to the rule, use “but.”
    - To introduce an exception to the rule, use “except.”
    - To introduce a condition to the rule, use ‘if.”
    - If the clause is a separate complete thought, start a new sentence or subsection.
- Use the active voice. Don’t use passive construction, which is the past tense of the verb **to be** followed by a paste tense verb. Instead of writing, “The application must be submitted…”, write “The applicant must submit…” or “The application must include…” If you always use the active voice, the actor (the person or entity that must do the instruction) is more likely to be clear.
- “Ensure” means to guarantee an outcome and is almost always the word needed in legal writing. “Assure” means to inspire confidence.

Chapter 2.90
CONSOLIDATED PLANNING PROCEDURES*

Sections:

* Prior ordinance history: Ords. 1449-03, 1485-04, 1491-04, 1602-08 and 1607-08.

2.90.010 Purpose and intent.

The purpose and intent of this chapter is to establish standard procedures for all land use and development applications in order to provide for an integrated and consolidated land use permit and environmental review process. It is further the purpose of this chapter to combine and expedite development review to eliminate redundancy and minimize delays, to establish timelines for notifying the public of land use applications, to revise hearing requirements to allow one open record hearing and one closed record appeal hearing, and to provide that final decisions on development proposals be made within one hundred twenty days of the date of the letter of completeness, except for development specifically exempted under this chapter.

The mandatory nature of the one-hundred-twenty-day processing time notwithstanding, it is neither the intent nor the purpose of this chapter to establish a claim or remedy for a delay in the final decision beyond one hundred twenty days. (Ord. 1627-08 § 1 (App. A)(part), 2008)

Commented [AS1]: Relocated to 15.15.002

2.90.020 Applicability.

All applications for development shall be subject to the provisions of this chapter, except where specifically exempted under Section 2.90.040, Exemptions from state process requirements. (Ord. 1627-08 § 1 (App. A)(part), 2008)

Commented [AS2]: Relocated to 15.15.004

2.90.030 Effect of permit.

The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this code. No permit presuming to give authority to violate or cancel the provisions of this code shall be valid except insofar as the work or use which it authorized is lawful. (Ord. 1627-08 § 1 (App. A)(part), 2008)

Commented [AS3]: Relocated to 15.15.006

2.90.035 Permit processes classified by type.

Development subject to review by the city is classified and processed using one of the six types of land use permit procedures listed in Section 2.90.070(G). The review processes for the types of permit review procedures are described in Section 2.90.070. If the code does not expressly provide for review according to one of the six types of permit review procedures, and another specific procedure is not required by law, the planning department shall classify the application. (Ord. 1627-08 § 1 (App. A)(part), 2008)

Commented [AS4]: Relocated to 15.15.014 (A)

2.90.040 Exemptions from state process requirements.

A. State Authority. RCW 36.70B.140 allows a local government to exclude certain project permits from procedure and time limit requirements. This section deals with exemptions from state-mandated notice requirements. Permit types listed below may and often do have city code requirements for review, notification, and appeal beyond state requirements.

B. Exemptions from City Goal of One-Hundred-Twenty-Day Review Process for Certain Actions Requiring More Time. RCW 36.70B.140 provides that local governments may determine that there are special circumstances relative to certain actions or processes that warrant a different review process than that set forth in state law. Therefore, the city exempts the following actions since they typically require more than one hundred twenty days to process or would be deemed emergencies:

1. Comprehensive plan amendments with or without any other associated land use application such as a rezone;

2. Sedro-Woolley Municipal Code amendments;

3. Annexations;

4. Planned residential developments;

5. Development agreements;

6. Environmental impact statements;

7. Temporary emergency wetland permit;

8. Declared emergency under SEPA;

9. Street vacations;

10. Any project once it is appealed to the hearing examiner and/or city council;

11. Any project once it becomes the subject of a petition under the Land Use Petition Act;

12. Any project that is determined by the mayor to present extenuating circumstances which would require more than one hundred twenty days to process.

Commented [AS5]: Significant changes and relocated to 15.15.020 (C)

C. Exemptions from State Notification and Procedural Requirements for Permits Relating to Use of Public Areas/Facilities. As permitted by RCW 36.70B.140, the city also exempts the following approvals relating to the use of public areas or facilities from the notification and procedural requirements of RCW 36.70B.060 through 36.70B.080 and RCW 36.70B.110 through 36.70B.130:

1. Deferral of off- or on-site improvements;

2. Drainage connection permits;

3. Driveway construction permit (all uses/users);

4. Driveway relocation permit (all uses/users);

5. Franchise utility permits;

6. Right-of-way use permit;

7. Release of easements;

8. Side sewer permit;

9. Side sewer cap permit;

10. Sidewalk repair permit (all uses/users);

11. Sidewalk/curb/gutter construction permit (all uses);

12. Permits to stop city sewer service;

13. Other SEPA exempt actions/activities as outlined in WAC 197-11-800.

D. Exemptions from State Notification and Procedural Requirements for Permit Applications Not Subject to Environmental Review. RCW 36.70B.140 allows local governments to exclude certain approvals and building and engineering permits from the public notification and procedural requirements of the statute if they are categorically exempt from environmental review or if environmental review has already been completed at an earlier stage. However, the city's one-hundred-twenty-day maximum processing time would still apply. Therefore, the city exempts the following actions from the public notification and procedural requirements since they are typically processed very quickly and would be considerably delayed by imposition of a public comment period(s):

1. Building and grading permits (SEPA exempt);

2. Business licenses for home occupations;

3. Fire installation/construction permits;

4. Mechanical, plumbing, sign and fence permits;

5. Lot line adjustments;

6. Final plats;

7. Minor amendments to a previously approved PUD;

8. Occupancy permits;

9. Shoreline exemptions;

10. Temporary use permits (SEPA exempt), but not exempting sign requirements;

11. Water, sewer, storm drainage, roadway permits (SEPA exempt);

12. Other SEPA exempt actions/activities as outlined in WAC 197-11-800. (Ord. 1627-08 § 1 (App. A)(part), 2008)

Commented [AS6]: Significant changes and relocated to 17.04.070

2.90.050 Submittal requirements—General.

A. Purpose. In order to comply with the state law, the city is required to detail the requirements for complete building, public works and land use permit applications.

Commented [AS7]: Redundant and removed

B. Vesting of application is a legal doctrine whereby a valid and fully complete building application for a project that is permitted under the zoning or other land use control ordinances in effect on the date of the application shall be considered under the building permit, zoning, or other land use controls in effect on the date of such valid and fully complete building application.

1. Supplemental information required after acceptance shall not affect the validity of the vesting for such application.

2. Revisions requested by an applicant to a vested, but not yet approved, application shall be deemed a new application when such revisions would result in a substantial change in the basic site design plan, intensity, density, and the like, involving a change of ten percent or more in area or scale. Vesting for the new application shall occur upon the date of submission of a valid and fully complete building application for the changed project.

Commented [AS8]: Significant changes and relocated to 15.15.032

C. Application Location. All land use, building, fire, and public works applications addressed in this title shall be filed with the planning department.

Commented [AS9]: Relocated to 15.15.010 (D)

D. Complete Application. Unless waived by the planning department, the requirements for a full complete land use, building, or public works permit application shall consist of the information listed in this code and any site-specific information identified in a preapplication meeting summary. Application fees pursuant to this chapter are also required for a complete application.

Commented [AS10]: Significant changes and relocated to 15.15.010

E. Multiple Permit Application Submittal Requirements. Where submittal requirements are duplicated for various types of permit applications, an applicant shall be required to submit only the largest (not total) number of copies required.

Commented [AS11]: No longer needed (electronic permitting now)

F. Submittal Waiver Process. In order to have any of the normally required submittals waived, the applicant must request such waiver(s) at or after a preapplication meeting with city staff. Staff will consider the merits of the waiver request(s) and will provide the applicant with a written list of any/all submittals waived. The applicant must submit a copy of the list of city-approved waiver(s) at the time of formal application.

Commented [AS12]: Relocated to 15.15.010 (E)

G. Letter of Completeness. Upon finding a Type II, III or IV application complete, the development services department will provide a letter of completeness to the applicant and property owner(s). (Ord. 1627-08 § 1 (App. A)(part), 2008)

Commented [AS13]: Relocated to 15.15.010 (F)

2.90.060 Authority and responsibilities.

A. Review Authority. Section 2.90.070(G), Land Use Permit Procedures, lists the development applications and outlines the responsible review authority associated with making recommendations, conducting open record public hearings, open record appeals, the responsible official for the permit decision, and appeal bodies.

B. Specific Responsibilities. The regulation of land development is a cooperative activity including many different elected and appointed boards and city staff. The specific responsibilities of these bodies are listed as set forth in subsections C through G of this section and Title 2.

Commented [AS14]: Relocated to "Definitions"

C. Planning Director or Designee.

1. Authority. The planning director or designee shall review and act on the following:

a. Building and grading permits;

b. Binding site plan approval for commercial or industrial developments;

c. Environmental review.

i. Make threshold determinations for environmental checklists;

ii. Authorize circulation of draft environmental impact statements;

iii. Approve and issue final environmental impact statements;

iv. Approve mitigation conditions for mitigated determinations of nonsignificance and final environmental impact statements;

d. Final plats;

e. Interpretation of flood insurance rate map boundaries;

f. Boundary line adjustments (B.L.A.);

g. Modifications.

i. Minor modifications to previously approved site plan;

ii. Modifications of street standards;

iii. Minor modifications of landscaping requirements;

iv. Minor amendment to PRD;

h. Planned action determinations;

i. Review of business licenses for home occupations;

j. Shoreline exemptions;

k. Shoreline permits;

l. Short plats – nine or less;

m. Temporary use permits;

n. Variances – administrative;

o. Zoning waivers;

p. Modifications of the number of required parking stalls and the requirements of the parking, loading and driveway regulations;

q. Temporary homeless encampment permits;

r. Design review.

D. City Engineer or Designee.

1. The city engineer shall review and act on the following:

a. Appeals of administrative decisions/determinations regarding requests for modification of storm drainage regulations;

b. Revocable permits for the temporary use of public right-of-way;

c. Sewer modifications, alternates, and appeals;

d. Modifications to street design standards;

e. Waivers of on-site and off-site improvements (including deferrals).

E. Planning Commission. The planning commission shall hold a hearing and make recommendations to the city council on the following:

1. Comprehensive Plan. Duties related to the comprehensive plan including zoning changes (rezones) that are not already shown on the comprehensive plan use map. Recommendations to city council regarding amendments after holding a public hearing.

2. Shoreline Master Program Amendments. Recommendations to city council regarding shoreline master program amendments after holding public hearing.

3. Area-Wide Zoning. The planning commission, in conducting area land use analysis, may from time to time recommend to the city council area-wide zonings to implement the recommended amendments to the comprehensive plan.

4. Land Use Regulations and Processes. Upon council request and based upon the goals and policies of the comprehensive plan, recommendations to council regarding effective and efficient land use regulations and processes.

5. Planned action ordinance recommendation to city council.

6. Rezones, site specific, in conformance with the comprehensive plan.

7. Adoption of or amendments to the design standards and guidelines. Recommendations to city council regarding amendments after holding a public hearing.

F. Hearing Examiner.

1. Authority. The hearing examiner shall review and act on the following:

a. Appeals of administrative decisions/determinations and SEPA threshold decisions;

b. Conditional approval permit for nonconforming uses;

c. Conditional use permits;

d. EIS hearing;

e. Major amendment to PRD;

f. Master plan with and without PRD;

g. Mobile/manufactured home park or subdivision;

h. Preliminary plats;

i. Planned residential developments;

j. Shoreline conditional use permit;

k. Shoreline variance;

l. Variances from the provisions of the subdivision regulations relating to a full subdivision and other variances provided for in the code.

2. Recommendations. (Reserved.)

3. Appeals. Unless otherwise specified, any decision of the responsible SEPA official or the planning director or designee or the city engineer or designee in the administration of this title shall be appealable to the hearing examiner as an administrative determination pursuant to Section 2.90.090, Appeals.

G. City Council. The city council shall review and act on the following:

1. Annexations;

2. Comprehensive plan map or text amendment;

3. Dedications of property for public purposes;

4. Development and zoning regulations text amendment;

5. Development agreements;

6. Designation of historic overlay district;

7. Planned action ordinance, final action;

8. Adoption of and amendments to the design standards and guidelines;

9. Release of easements;

10. Rezones consistent with the comprehensive plan;

11. Rezones with associated comprehensive plan map or text amendment.

H. Review Authority for Multiple Permit Applications. Where required permits are subject to different types of permit review procedures, then all the associated applications are subject to the highest level of review authority that applies to any of the required applications. (Ord. 2036-23 § 2, 2023; Ord. 2032-22 § 1, 2023; Ord. 1816-15 § 3 (Exh. A)(part), 2015; Ord. 1627-08 § 1 (App. A)(part), 2008)

Commented [AS15]: Transferred to table format and relocated to 15.15.014 (C)(1)

2.90.070 Permit classification.

A. Purpose. The purpose of this section is to outline the procedure and time requirements for the various development applications reviewed by the city. All development applications are classified and processed according to one of six types of permit procedures, as identified in subsection G of this section.

B. Review Process Based upon Application Type. Subsection G of this section lists the development applications and explains the basic steps in the review process. This table also outlines the responsible review authority.

Commented [AS16]: Redundant and removed

C. Consolidated Review Process for Multiple Permit Applications.

1. Optional Process Resulting in a Single Open Record Public Hearing. An applicant may elect to have the review and decision process for required permits consolidated into a single review process. Consolidated review shall provide for only one open record hearing and no more than one closed record appeal period. An appeal of an environmental determination of significance (DS) is exempt from limits on the number of appeals. Where hearings are required for permits from other local, state, regional, or federal agencies, the city will cooperate to the fullest extent possible with the outside agencies to hold a single joint hearing.

2. Review Authority for Multiple Permit Applications. Where more than one land use permit application is required for a given development, an applicant may file all related permit applications concurrently, pay appropriate fees, and the processing may be conducted under the consolidated review process. Where required permits are subject to different types of permit review procedures, then all the applications are subject to the highest-number procedure, as identified in subsection G of this section, and highest level of review authority, that applies to any of the applications.

D. Time Frame Based on Permit Type. The time frame varies for each of the land use permit types, as discussed in subsection G of this section. The timelines include the statutory requirement that requires the issuance of a letter of completeness within twenty-eight days of the application submittal, pursuant to RCW 36.70B.070(1), and the provision for final decisions on permits within one hundred twenty days of receipt of a complete application.

E. Time Frames—Maximum Permitted. Final decisions on all permits and reviews subject to the procedures of this chapter shall occur within one hundred twenty days from the date an application is deemed complete unless the applicant consents to an extension of such time period. If a project application is substantially revised by an applicant, the one-hundred-twenty-day time period shall start again after the revised project application is determined to be complete. Development applications which are specifically exempted under Section 2.90.040, Exemptions from state process requirements, are not subject to this time frame.

F. Exclusions from One-Hundred-Twenty-Day Time Limit. In determining the number of days which have elapsed since the applicant was notified that the application is complete, the following periods shall be excluded:

1. Revisions/Additional Information Required. The time period in which an applicant has been requested by the planning department to correct plans, perform required studies, or provide additional information. The period shall be calculated from the date the

planning department notifies the applicant of the need for additional information until: (a) the date the department determines the additional information satisfies the request for information, or (b) fourteen days after the date acceptable information has been provided to the city, whichever is earlier. If the department determines that the information submitted is insufficient, it shall notify the applicant of the deficiencies.

2. EIS Preparation. A period of two hundred fifty days for the preparation of a draft environmental impact statement (DEIS), following a determination of significance. This time frame shall commence after the final scoping of the DEIS is complete.

3. Applicant Agreements. Any time extension mutually agreed upon by the applicant and the planning department.

Commented [AS17]: Significant changes to Local Project Review Act in 2025. Updated according to state law and relocated to 15.15.020 (D)

G. Land Use Permit Procedures.

1. Permit Classification Table.

Table 2.90.070(G)(1)—Permit Classification Table

Land Use Permit/Action	Permit Type					
	I	II	III	IV	V	VI
Accessory Dwelling Unit	X					
Administrative Determination	X					
Binding Site Plan		X				
Boundary Line Adjustment	X					
Building Permit SEPA Exempt	X					
Code Interpretation	X					
Comprehensive Plan Map (and Rezone) or Text Amendments						X
Conditional Use Permit			X			
Design Review with Building Permit	X					
Design Review with Hearing Examiner Land Use Permit			X			
Development Agreement						X
Development Regulation Text Amendments Referred to Planning Commission						X
Development Regulation Text Amendments						X
Environmental Review		X				
Fence or Wall Permit	X					

Table 2.90.070(G)(1)—Permit Classification Table

Land Use Permit/Action	Permit Type					
	I	II	III	IV	V	VI
Fill and Grade Permit	X					
Floodplain District Development Permit or Variance			X			
Home Occupation	X					
Landscape Modifications	X					
Major Modification PRD			X			
Master Plan Approval			X			
Minor Modifications	X					
Nonconforming Use—Ordinary Maintenance or Repair	X					
Nonconforming Use—Certificate of Use or Occupancy	X					
Nonconforming Use—Special Permission to Enlarge, Expand, or Reconstruct			X			
Planned Action Determination		X				
Planned Action Ordinance						X
Planned Residential Development			X			
Plat, Preliminary			X			
Plat, Final	X					
Rezones Consistent with Comprehensive Plan						X
Shoreline Conditional Use Permit			X			
Shoreline Exemption	X					
Shoreline Substantial Development Permit		X				
Shoreline Variance			X			
Short Plat		X				
Short Plat—When Hearing Requested			X			
Site Plan Approval	X					
Special Use Permit			X			
Street Design Modifications	X					
Street Vacations				X		
Temporary Homeless Encampments		X				
Temporary Use Permit		X				

Table 2.90.070(G)(1)—Permit Classification Table

Land Use Permit/Action	Permit Type					
	I	II	III	IV	V	VI
Variances			X			
Zoning Waivers	X					

2. Summary of Permit Processes.

	Type I	Type II	Type III	Type IV	Type V	Type VI	Shoreline Permits and Annexations
Pre-Application Meeting	No	Required for short plats, building permits with street improvements, and all other non-single-family residential actions	Required, unless waived by director	Required, unless waived by director	No	Required, unless waived by director	Required, unless waived by director
Letter of Completeness	No	Required	Required	Required	No	No	No
Notice of Application	No	Required	Required	Required	Required	Required for site-specific projects	See Chapter 35A.14 RCW or the shoreline management master program
Notice of Hearing	Not applicable	Not applicable	Required	Required	Required	Required	See Chapter 35A.14 RCW or the shoreline management master program
Open Record Public Hearing	No	No	Yes, before hearing examiner to render final decision	Yes, before hearing examiner to make recommendation to city council	No	Yes, before planning commission to make recommendation to city council	See Chapter 35A.14 RCW or the shoreline management master program
Recommendation Made By	Not applicable	Not applicable	Not applicable	Hearing examiner	Staff	Planning commission	See Chapter 35A.14 RCW or the shoreline management master program

	Type I	Type II	Type III	Type IV	Type V	Type VI	Shoreline Permits and Annexations
Final Decision Made By	Planning director	Planning director	Hearing examiner	City council	City council	City council	See Chapter 35A.14 RCW or the shoreline management master program
Notice of Decision	Required unless exempt per Section 2.90.040	Required	Required	Required	Required	Required	See Chapter 35A.14 RCW or the shoreline management master program
Judicial Appeal	See Section 2.90.090	See Section 2.90.090	See Section 2.90.090	See Section 2.90.090	See Section 2.90.090	See Section 2.90.090	See Chapter 35A.14 RCW or the shoreline management master program

(Ord. 2036-23 § 3, 2023; Ord. 2032-22 § 2, 2023; Ord. 1954-20 § 1 (Exh. A)(part), 2020; Ord. 1884-17 § 1, 2017; Ord. 1816-15 § 3 (Exh. A)(part), 2015; Ord. 1627-08 § 1 (App. A)(part), 2008)

Commented [AS18]: Significant changes and relocated to 15.15.014

2.90.073 Planned action review process.

The review process for a project that is proposed as a planned action shall be determined by the permits required for the planned action. Because an environmental impact statement will previously have been prepared, review of a project proposed as a planned action is intended to be simpler and more focused than for other projects. A planned action includes a type of project action, or a subsequent project that implements an adopted subarea plan, master planned development, or phased project, that is designed by ordinance or resolution as a planned action and meets the criteria in RCW 43.21C.440, WAC 197-11-164 and 197-11-168.

A. Verification. A project proposed as a planned action shall be reviewed for consistency with the comprehensive plan and adopted planned action ordinance and for compliance with applicable development regulations and city ordinances.

To determine whether a proposed action qualifies as a planned action, planned action project review shall include:

1. Verification that the project meets the description in, and will implement any applicable conditions or mitigation measures identified in, the designating ordinance or resolution; and

2. Verification that the probable significant adverse environmental impacts of the project have been adequately addressed in the prior environmental impact statement

through review of an environmental checklist or modified environmental checklist form provided by the city for this purpose as allowed by WAC 197-11-172 and 197-11-315.

B. Mitigation, Public Notice, and Appeals. All projects processed as planned actions shall comply with mitigation requirements set forth in applicable development regulations and city ordinances and the adopted planned action ordinance or resolution. Public notice and appeal procedures for projects that qualify as planned actions shall follow the requirements for the project permit. If notice is required, the notice shall state that the project has qualified as a planned action. (Ord. 1816-15 § 4 (Exh. A), 2015)

Commented [AS19]: Relocated to new Chapter (to match other land use permit applications)

2.90.075 Public notice requirements.

A. Applicability. A notice of application is not required for actions which are classified as a Type I land use procedure under Section 2.90.060(G), and for actions specifically exempted under Section 2.90.040, Exemptions from state process requirements, but is required for all land development permit applications subject to notice requirements.

B. Notice of Development Application.

1. Within fourteen days of issuing a letter of completeness under Section 2.90.080(C), Letter of Completeness, the city shall issue a notice of development application. The notice shall, at minimum, include the following:

a. Applicant and/or owner name;

b. Project name and city file number;

c. Date of application acceptance;

d. Project location;

e. Project description;

f. A listing of all permits/approvals requested;

g. The date the fourteen-day public comment period expires;

h. The following, or equivalent, statements: “In order to receive additional information regarding this particular project, you will need to contact the city’s planning department and request to be made a party of record,” and “In order to become a party of record or to obtain further information regarding this project, please contact the city of Sedro-Woolley planning department at 325 Metcalf Street, (360) 855-0771.” The date, time, and place of a public hearing if one has been scheduled.

2. One notice per frontage of the proposed development shall be posted on or near the subject property and mailed to property owners and residents within five hundred feet of the boundaries of the subject property.

C. Notice of Administrative Decisions. The planning department shall notify all parties of record, the project proponent and affected government agencies of any administrative decision subject to notice. Notification must be made by mail; however, the planning department may also elect to post the notices of administrative decision at or near the project site. The notice shall include:

1. A description of the decision(s), including any conditions of approval.

2. A statement explaining where further information may be obtained.

3. Any threshold environmental determination issued for the project. If an application subject to an administrative approval requires an environmental threshold determination, the notice of administrative approval shall include the threshold determination and its appeal process.

4. The decision and a statement that the decision will be final unless an appeal to the hearing examiner is filed with the planning director within fourteen days of the date of the decision.

D. Notice of Public Hearing. Notice of a public hearing for all development applications subject to notification requirements and all open record appeals shall be given as follows:

1. Time of Notices. Except as otherwise required, public notification of meetings, hearings, and pending actions shall be made by:

a. Publication at least ten days before the date of a public meeting, hearing, or pending action in the official newspaper if one has been designated or a newspaper of general circulation in the city;

b. Mailing at least ten days before the date of a public meeting, hearing, or pending action to all parties of record, the project proponent and affected government agencies; and

c. Posting of not less than one notice per frontage at the site of the proposed development on or near the subject property at least ten days before the meeting, hearing, or pending action at or near the project site.

2. Content of Notice. The public notice shall include a general description of the proposed project, the action to be taken, a nonlegal description of the property or a vicinity map or sketch, the time, date and place of the public hearing, where further

information may be obtained, and the following, or equivalent, statement: "If the hearing on a pending action cannot be completed on the date set in the public notice, the meeting or hearing may be continued to a date certain and no further notice under this section is required."

E. Notice of Hearing Examiner Decision. Notice of hearing examiner decisions subject to notice requirements shall be made by the hearing examiner's office to all parties of record, the project proponent, the planning department, and affected government agencies. Notification shall be made by mail and must include:

1. A description of the decision(s), including any conditional approval.

2. A statement explaining where further information may be obtained.

3. Any threshold environmental determination issued and its appeal process.

4. The decision date and a statement that the decision will be final unless an appeal to the city council is filed with the city clerk within fourteen days of the date of publication of the decision.

F. Notice of City Council Decision. Notice of city council decisions subject to notice requirements shall be made by the city clerk's office to all parties of record, the project proponent, the planning department, and affected government agencies. Notification shall be made by mail and must include:

1. A description of the decision(s), including any conditions of approval.

2. A statement explaining where further information may be obtained.

3. Any threshold environmental determination issued and its appeal process.

4. The decision date and a statement that the decision will be final unless the appropriate land use appeal, writ of review or appeal from the decision of the city council is filed with the superior court within fourteen days of the date of the decision.
(Ord. 1627-08 § 1 (App. A)(part), 2008)

Commented [AS20]: Relocated to 17.04.070

2.90.080 Application and decision—General.

A. Preapplication Meeting.

1. a. Preapplication Required. A preapplication meeting may be required prior to formal submittal of a development application.

b. Preapplication Recommended. A preapplication meeting is recommended for all other projects.

2. Purpose. The meeting is not intended to provide an exhaustive review of all potential issues. Preapplication review does not prevent or limit the city from applying all relevant laws at the time of application submittal. The purposes of a preapplication meeting are:

a. To acquaint an applicant with the requirements of the city's development regulations and other applicable laws.

b. To provide an opportunity for the city to be acquainted with a proposed application prior to review of a formal application.

3. Preapplication Submittal Requirements. Preapplication meeting submittal requirements are available through the city of Sedro-Woolley's planning department.

4. Waiver of Formal Application Submittal Requirements. An applicant may submit a written request for a waiver from formal application submittal requirements which may be considered during or after a preapplication meeting.

Commented [AS21]: Relocated to 15.15.012

B. Submittal of Formal Application. Applications, except appeals of administrative or environmental determinations, shall be filed with the planning department.

Commented [AS22]: Clarified in 15.15.010 (D) and 17.04.080

C. Letter of Completeness.

1. Timing. Within twenty-eight days after receipt of an application, the planning department shall provide a written determination that the application is deemed complete or incomplete according to the submittal requirements as listed in Section 2.90.100(A), (B) or (C), and any site-specific information identified after a site visit. In the absence of a written determination, the application shall be deemed complete.

2. Applications Which Are Not Complete. If an application is determined incomplete, the necessary materials for completion shall be specified in writing to the contact person and property owner. Within fourteen days of submittal of the information specified as necessary to complete an application, the applicant will be notified whether the application is complete or what additional information is necessary.

3. Additional Information May Be Requested. A written determination of completeness does not preclude the planning department from requesting supplemental information or studies, if new information is required to complete review of an application or if significant changes in the permit application are proposed. The planning department may set deadlines for the submittal of supplemental information.

Commented [AS23]: Updated in accordance with state law and relocated to 15.15.010

D. Notices to Applicant. The applicant shall be advised of the date of acceptance of the application and of the environmental determination. The applicant shall be advised of the date of any public hearing at least ten days prior to the public hearing.

E. Report by Planning Department.

1. Report Content. When such application has been set for public hearing, if required, the planning department shall coordinate and assemble the comments and recommendations of other city departments and government agencies having an interest in the subject application and shall prepare a report summarizing the factors involved and the planning department findings and supportive recommendations.

2. Report Timing. At least ten working days prior to the scheduled hearing, the report shall be filed with the examiner and copies thereof shall be mailed to the applicant and shall be made available for use by any interested party for the cost of reproduction.

F. Public Hearing.

1. Hearing by Examiner Required. Before rendering a decision or recommendation on any application for which a public hearing is required, the examiner shall hold at least one public hearing thereon.

2. Constitutes Hearing by Council. On applications requiring approval by the city council, the public hearing before the examiner, if required, shall constitute the hearing by the city council.

3. Hearing Rules. The examiner shall have the power to prescribe rules and regulations for the conduct of hearings under this chapter, subject to confirmation by the city council, and to administer oaths and preserve order.

4. Closure/Continuation of Public Hearing. At the close of the testimony, the examiner may close the public hearing, continue the hearing to a time and date certain, or close the public hearing pending the submission of additional information on or before a date certain.

5. Application Dismissal. Until a final action on the application is taken, the examiner may dismiss the application for failure to diligently pursue the application after notice is given to all parties of record.

G. Examiner’s Decision.

1. Standard Decision Time and Notification Procedure. Unless the time is extended pursuant to this section, within fourteen days of the conclusion of a hearing, or the date set for submission of additional information pursuant to this chapter, the examiner shall

render a written decision, including findings from the record and conclusions therefrom, and shall transmit a copy of such decision by regular mail, postage prepaid, to the planning department, to the applicant and to other parties of record in the case requesting notice of the decision. The person mailing the decision, together with the supporting documents, shall prepare an affidavit of mailing, in standard form, and the affidavit shall become a part of the record of the proceedings. In the case of applications requiring city council approval, the examiner shall file his decision with the city council at the expiration of the appeal period for the decision.

2. Decision Time Extension. In extraordinary cases, the time for filing of the recommendation or decision of the examiner may be extended for not more than thirty days after the conclusion of the hearing if the examiner finds that the amount and nature of the evidence to be considered, or receipt of additional information which cannot be made available within the normal decision period, requires the extension. Notice of the extension, stating the reasons therefor, shall be forwarded to all parties of record in the manner set forth in this section for notification of the examiner's decision.

3. Conditions. The examiner's recommendation or decision may be to grant or deny the application, or the examiner may require of the applicant such conditions, modifications and restrictions as the examiner finds necessary to make the application compatible with its environment and carry out the objectives and goals of the comprehensive plan, the zoning regulations, the subdivision regulations, the codes and ordinances of the city of Sedro-Woolley, and the approved preliminary plat, if applicable. Conditions, modifications, and restrictions which may be imposed are, but are not limited to, additional setbacks, screenings in the form of landscaping and fencing, covenants, easements, and dedications of additional road rights-of-way. Performance bonds may be required to ensure compliance with the conditions, modifications, and restrictions.

4. Reconsideration of Examiner's Decision. Any interested person who believes that the decision of the examiner is based on an erroneous procedure, errors of law or fact, error in judgment, or the discovery of new evidence which could not be reasonably available at the prior hearing may make a written application for review by the examiner within fourteen days after the written decision of the examiner has been rendered or within fourteen days of the publication of decision, if required. The application shall set forth the specific errors relied upon by such appellant, and the examiner may, after review of the record, take further action as the examiner deems proper. The examiner may request further information which shall be provided within ten days of the request. The examiner's written decision on the request for consideration shall be transmitted to all parties of record within ten days of receipt of the application for reconsideration or receipt of the additional information requested, whichever is later.

H. Expiration of Decision. The city declares that circumstances surrounding land use decisions change rapidly over a period of time. In order to assure the compatibility of a decision with current needs and concerns, any such decision must be limited in duration, unless the action or improvements authorized by the decision are implemented promptly. Any application or permit approved pursuant to this chapter with the exception of rezones shall be implemented within two years of such approval unless other time limits are prescribed elsewhere in the Sedro-Woolley Municipal Code. Any application or permit which is not so implemented shall terminate at the conclusion of that period of time and become null and void.

I. Extension. The examiner may grant one extension of time for a maximum of one year for good cause shown. The burden of justification shall rest with the applicant.

J. Expiration of Large-Scale or Phased Projects. For large-scale or phased development projects, the examiner may at the time of approval or recommendation set forth time limits for expiration which exceed those prescribed in this section for such extended time limits as are justified by the record of the action.

K. Council Action.

1. Council Action Requires Minutes and Findings of Fact. Any application requiring action by the city council shall be evidenced by minute entry unless otherwise required by law. When taking any such final action, the council shall make and enter findings of fact from the record and conclusions therefrom which support its action.

2. Adoption of Examiner's Findings and Conclusions Presumed. Unless otherwise specified, the city council shall be presumed to have adopted the examiner's findings and conclusions.

3. Applications to Be Placed on Council Agenda. Except for rezones, which are included in comprehensive plan update dockets, all applications requiring council action shall be placed on the council's agenda for consideration. (Ord. 2032-22 § 3, 2023; Ord. 1627-08 § 1 (App. A)(part), 2008)

Commented [AS24]: Minor changes and relocated to 15.15.014 (D)

2.90.090 Appeals.

A. Scope and Purpose. This section provides the basic procedures for processing all types of land use and development-related appeals. Specific requirements are based upon the type/level of appeal and the appeal authority. Procedures for the following types of appeals are included in this section:

1. Appeals to hearing examiner of administrative decisions and environmental determinations;

2. Appeals to superior court; and

3. Appeals to the State Shorelines Hearings Board.

B. Decision Authority. Section 2.90.070(G), Land Use Permit Procedures, lists the development permits reviewed by the city and the review authority responsible for appeals. Where required permits are subject to different types of permit review procedures, then all the applications are subject to the highest-number procedure, as identified in Section 2.90.070(G), and highest level of review authority that applies to any of the applications.

C. General Information Applicable to All Types of Appeals.

1. Standing. (Reserved)

2. Time to File. (Reserved)

3. Required Form for and Content of Appeals. Any appeal shall be filed in writing. The written notice of appeal shall fully, clearly, and thoroughly specify the substantial error(s) in fact or law which exist in the record of the proceedings from which the appellant seeks relief.

4. Filing of Appeal and Fee. The notice of appeal shall be accompanied by a fee as prescribed by the city fee schedule.

5. Facsimile Filings. Whenever any application or filing is required under this chapter, it may be made by facsimile. Any facsimile filing received at the city after five p.m. on any business day will be deemed to have been received on the following business day. Any facsimile filing received after five p.m. on the last date for filing will be considered an untimely filing. Any party desiring to make a facsimile filing after four p.m. on the last day for the filing must call the city official with whom the filing must be made and indicate that the filing is being made by facsimile and the number to which the facsimile copy is being sent. The filing party must ensure that the facsimile filing is transmitted in adequate time so that it will be completely received by the city before five p.m. In all instances in which filing fees are to accompany the filing of an application, those filing fees must be received by the city before the end of the business day on the last day of the filing period or the filing will be considered incomplete and will be rejected.

6. Notice of Appeal. (Reserved)

7. Restrictions on Subsequent Actions. Any later request to interpret, explain, modify, or retract the decision shall not be deemed to be a new administrative determination creating a new appeal period for any new third party to the permit.

8. Limit on Number of Appeals. The city has consolidated the permit process to allow for only one open record appeal of all permit decisions associated with a single development application.

Any appeal of the action of the hearing examiner in the case of appeals from environmental determinations shall be joined with an appeal of the substantive determination.

9. Exhaust of Administrative Remedies. (Reserved)

D. Appeals to Examiner of Administrative Decisions and Environmental Determinations.

1. Applicability and Authority.

a. Administrative Determinations. Any administrative decision may be appealed to the hearing examiner by submitting a written appeal to the planning department along with the applicable appeal fee.

b. Environmental Determinations. Except for permits and variances issued pursuant to shoreline master program regulations, when any proposal or action is granted, conditioned, or denied on the basis of SEPA by a nonelected official, the decision shall be appealable to the hearing examiner under the provisions of this section.

c. Authority. The examiner shall have all of the powers of the office from whom the appeal is taken insofar as the decision regarding the specific issue is concerned.

2. Standing.

a. Standing for Filing Appeals of the City's Environmental Determinations. Appeals from environmental determinations as set forth in this title may be taken to the hearing examiner by any person aggrieved, or by any officer, department, board or bureau of the city affected by such determination. Any agency or person may appeal the city's compliance with Chapter 197-11 WAC for issuance of a threshold determination.

b. Standing for Appeals of Administrative Determinations Other Than Environmental. Appeals from administrative determinations of the city's land use regulation codes and from environmental determination required by the Sedro-Woolley environmental review regulations may be taken to the hearing examiner by any person aggrieved, or by any officer, department, board, or bureau of the city affected by such determination.

3. Time for Appeal. Any such appeal shall be filed in writing with the examiner within the following time limits:

a. Appeals of Environmental Determinations. Appeals of a final environmental determination under the Sedro-Woolley environmental review regulations shall be filed within fourteen days of publication of notice of such determination.

i. A Final DNS. The appeal of the DNS must be made to the hearing examiner within fourteen days of the date the DNS is final.

ii. A DS. The appeal must be made to the hearing examiner within fourteen days of the publication date of the DS in the official city newspaper.

iii. A Final EIS. The appeal of the FEIS must be made to the hearing examiner within twenty days of the date the permit or other approval is issued.

b. Appeals to Examiner of Administrative Determinations Other Than Environmental. Appeals from an administrative decision pursuant to this chapter shall be filed within fourteen days of the date that the action was taken or publication of notice of determination, if applicable.

The appeal from an administrative decision implementing a land use decision of the city council or the hearing examiner pursuant to this chapter shall be filed with the hearing examiner, along with the required fee, within fourteen days of the administrative decision or, if no date of administrative decision can be determined, within fourteen days of the issuance of any permit which requires interpretation of that land use decision, such administrative decision being an essential part of the issuance of the permit, license, or other city permission to proceed.

As between the permit holder and the city, any decision to modify or retract the permit shall give the permit holder a fourteen-day appeal period from the date of the action to modify or retract the permit.

4. Complaints After Expiration of Appeal Time. Any claim that an administrative decision maker has failed to correctly interpret or enforce a land use decision after the expiration of the appeal time established in this section shall not create an appeal right but will be treated as a complaint of noncompliance with the land use decision.

5. Appeal Procedures—Hearing Examiner. The city establishes the following administrative appeal procedures under RCW 43.21C.075 and WAC 197-11-680:

a. Notice to Officer. Immediately upon receipt of the notice of appeal, the hearing examiner shall forward to the officer from whom the appeal is being taken a copy of the notice of appeal.

b. Transmittal of Records and Reports. Upon receiving such notice, the officer from whom the appeal is being taken shall transmit to the hearing examiner all of the records pertaining to the decision being appealed, together with such additional written reports as are deemed pertinent. The examiner may request additional information from the applicant.

c. Notice of Hearing Required. A written notice of the time and place of the hearing at which the appeal shall be considered by the examiner shall be mailed to the applicant, all parties of record in the case, and to the officer from whom the appeal is taken not less than ten days prior to the date of the hearing.

d. Content of Hearing. The examiner may hear and consider any pertinent facts pertaining to the appeal.

e. Record Required. For any appeal under this subsection, the city shall provide for a record that shall consist of the following:

i. Findings and conclusions;

ii. Testimony under oath; and

iii. An electronically recorded or written transcript.

f. Electronic Transcript. The city may require the appellant to provide an electronic transcript.

6. Examiner Decision.

a. Substantial Weight. The procedural determination by the SEPA responsible official or city staff shall carry substantial weight in any appeal proceeding. The hearing examiner shall give substantial weight to any discretionary decision of the city rendered pursuant to this chapter/title.

b. Examiner Decision Options and Decision Criteria. The examiner may affirm the decision or remand the case for further proceedings, or it may reverse the decision if the substantial rights of the applicant may have been prejudiced because the decision is:

i. In violation of constitutional provisions; or

ii. In excess of the authority or jurisdiction of the agency; or

iii. Made upon unlawful procedure; or

iv. Affected by other error of law; or

v. Clearly erroneous in view of the entire record as submitted; or

vi. Arbitrary or capricious.

c. Time for Examiner's Decision. The hearing examiner shall render a written decision within ten days.

7. Appeal of Examiner Decision. Appeal of examiner's decision shall be handled in accordance with subsection E of this section, Appeals to Superior Court.

E. Appeals to Superior Court.

1. Intent. Appeals pursuant to this section are intended to comply with the Land Use Petition Act, Chapter 36.70C RCW.

2. Applicability. Any decision or order issued by the city pursuant to this section may be judiciary reviewed provided that available administrative appeals have been exhausted.

3. Standing. Those persons with standing to bring an appeal of a land use decision are limited to the applicant, the owner of property to which land use decisions are directed, and any other person aggrieved or adversely affected by the land use decision or who would be aggrieved or adversely affected by a reversal or modification of the land use decision. The terms "aggrieved" and "adversely affected" are defined in RCW 36.70C.060.

4. Content of Appeal Submittal. The content, procedures, and other requirements of an appeal of land use decision are governed by Chapter 36.70C RCW which is incorporated herein by reference as if fully set forth.

5. Time for Initiating Appeal to Superior Court.

a. Appeals of Land Use Decisions. An appeal to superior court of a land use decision, as defined herein, must be filed within twenty-one days of the issuance of the land use decision. For purposes of this section, the date on which a land use decision is issued is:

i. Three days after a written decision is mailed by the city or, if not mailed, the date on which the local jurisdiction provided notice that a written decision is publicly available;

ii. If the land use decision is made by ordinance or resolution by the city council, sitting in a quasi-judicial capacity, the date the body passes the ordinance or resolution; or

iii. If neither subsection (E)(5)(a)(i) nor (ii) of this section applies, the date the decision is entered into the public record.

b. Appeal of Environmental Determinations. Appeal to the superior court of the environmental decision and the substantive determination must be made within twenty days of the substantive determination and must be made by writ of review to the superior court of Washington for Skagit County.

6. Appeals of Other Than Land Use Decisions—Superior Court. Appeals to superior court from decisions other than a land use decision, as defined herein, shall be appealed within the time frame established by ordinance. If there is no appeal time established by an ordinance, and there is no statute specifically preempting the area and establishing a time frame for appeal, any appeal, whether through extraordinary writ or otherwise, shall be brought within twenty-one days of the decision.

F. Appeals of Shoreline Permit Decisions to Shorelines Hearing Board.

1. Standing for Appeals to Shorelines Hearings Board. Any person aggrieved by the granting or denying of a substantial development permit, a conditional use permit and/or a variance on shorelines of the city, or by the rescinding of a permit pursuant to the provisions of the shoreline master program, may seek review from the state of Washington Shorelines Hearing Board.

2. Place and Time for Filing Appeals. Appeals of decisions by the hearing examiner must be made directly to the Shorelines Hearings Board. Appeals are made by filing a request for the same within twenty-one days of receipt of the final order and by concurrently filing copies of such request with the Department of Ecology and the Attorney General's office as provided in section 18(1) of the Shorelines Management Act of 1971.

3. City Requires Copy of Appeal Notice. A copy of any such appeal notice shall likewise be filed with the planning department of the city of Sedro-Woolley.

4. Limited Utility Extensions and Protective Bulkheads—Appeals. Appeals of substantial development permits, for a limited utility extension as defined in RCW 90.58.140(11) or for the construction of a bulkhead or other measures to protect a single-family residence and its appurtenant structures from shoreline erosion, shall be finally determined by the legislative authority within thirty days. (Ord. 2032-22 § 4, 2023; Ord. 1627-08 § 1 (App. A)(part), 2008)

Commented [AS25]: Relocated to 17.04.080

2.90.100 Submittal requirements—Specific to application type.

The following tables list the submittal requirements for each type of permit application or land use approval which must accompany the required application fees as specified in the city's fee schedule.

A. Table 2.90.100(A)—Building and Public Works Submittal Requirements.

B. Table 2.90.100(B)—Land Use Permit Submittal Requirements.

Table 2.90.100(A)—Building and Public Works Submittal Requirements

SUBMITTAL REQUIREMENTS / TYPE OF APPLICATION/PERMIT	Demolition	Fill and Grade I	Fence or Wall	Interior Remodel: Commercial/Industrial	Manufactured Home	Lot Certification	New Construction or Exterior Addition: Commercial/Industrial and Multifamily	New Construction, Remodel, or Exterior Additions: Single-Family/Duplex	Portable Sign	Re-Roof	Right-of-Way	Utility Construction	Sewer Connection	Sewer Repair	Sign	Wireless Facility
Application Form	1	1	1	1	1		1	1	1	1	1	1	1	1	1	1
Architectural Elevations							4	2								
Architectural Plans/Construction Drawings				3			4	2								3
Authorization for Abatement	1															
Blocking/Anchoring/Skirting Details					2											
Construction Mitigation Description		2					2									
Critical Area Reports and Maps	3		3		3		3	3			3		3	3	3	3
Demolition Fixture Unit Count	1															
Design Guidelines Compliance Materials					2		2	2								

Table 2.90.100(A)—Building and Public Works Submittal Requirements

Drainage Plan		2					4	2								
Drainage Report		2					2									
Energy Code Checklist, Nonresidential				2			2									
Energy Code Checklist, Residential								2								
Floor Plan				1	1		1	1								
Geotechnical Report		2			2		2	2								2
Grading Plan and Written Description of Work		2														
Installer Certification					1											
Inventory of Existing Sites																
Irrigation Plan		2			2		2	2								
Health Department Approval				1			1									
Land Use Permit Conditions (if any)		1	1		1		1	1							1	1
Landscape Plan		2	2		2		4									
Lease Agreement																1
Manufacturer's Plans					1											
NWCAA Approval	1															

Table 2.90.100(A)—Building and Public Works Submittal Requirements

Pre-Application Meeting Memo		1					1									1
Project Information Sheet with Legal Description	2	2		2	2		4	2								
Roadway Construction Plans		1					2				1	1	1	1		
Sign Plan									2						2	
Site Plan		2	2	2	2		4	2	2		2		2	2		2
Structural Plans and Calculations				2			4	2							2	2
Temporary Erosion and Sedimentation Control Plan (TESCP)		2			2		2	2			2		2	2		2
Title Report with copies of all referenced documents within the report and a complete deed history						1										
Topography Map		2	2		2		4	2			2		2	2		2
Tree Cutting/Land Clearing Plan		2			2		2	2					2			2
Utilities Construction Plans		4					4				2		2			
Utilities Plan and Profile		4					4				2	2	2	2		2
Valuation		1		1			1	1								

Table 2.90.100(A)—Building and Public Works Submittal Requirements

Water/Sewer Availability Letter							1	1								

Table 2.90.100(B)—Land Use Application Submittal Requirements

SUBMITTAL REQUIREMENTS	TYPE OF APPLICATION	Annexation (10% Notice of Intent)	Annexation (60% Petition)	Appeal	Binding Site Plan	Boundary Line Adjustment	Comp Plan Map Amendment/Rezone	Comp Plan Text Amendment	Conditional Use Permit (Hearing Examiner)	Environmental Review	Environmental Review (Non-Project)	Fill and Grade Permit over 500 Cubic Yards	Home Occupation—Type II	Master Site Plan (Overall)	Master Site Plan (Individual Phases)	Mobile Home Park, Preliminary	Mobile Home Park, Final	Modification/Alteration Request	Planned Action	Plat, Final	Plat, Preliminary	PRD, Preliminary	PRD, Final	Rezone	Shoreline Exemption	Shoreline Substantial Development Permit	Shoreline Conditional Use Permit	Shoreline Variance	Short Plat	Special Use Permit	Temporary Homeless Encampment Permit	Temporary Use Permit	Variance	Waiver	Wetland Permit
10% notice of intent to annex		13																																	

60% petition to annex		13																																
Affidavit of installation of public information sign	1	1				1		1				1	1	1	1	1				2	1	2	1					2	1		2	1		
Affidavit of mailout			1			1	1	2	2	2		1	2	2	1	1				1	1		1						1	1		2		
Application fee		x	x	x	x	x	x	x	x	x	x	x			x	x		x	x	x	x	x	x	x	x	x	x	x	x	x	x	x		
Assessment information	1	1																																
Authorization for abatement																															5			
Binding site plan map				5																														

Business license application for home occupation												1																						
Calculations, survey				3	3														3	2	2	3						3						
Colored display maps				1				1			1	1	1	1	1				1	1	1	1		1	1	1	1		1	1		1		
Construction mitigation description				5				5	5		5		5	5	5				5	5	5				5	5	5	5	5		5			5
Covenant certifying owner resides at property (ADUs)																																		
Critical areas	5	5		5		5		5	5	5	5		5	5	5					5	5		5	5		5	5	5		5		5		5

checklist																																		
Critical areas site assessment—5 copies																			5															5
Density worksheet					5															5	5							5						
Draft deed for any proposed dedication of land for public purposes				4									4	4		4	4			4								4						
Draft homeowners' association documents if applicable				4				4					4	4		4			4			4						4						

Draft restrictive covenants, if any				4				4	4		4		4	4		4		5	4			4	4					4						
Drainage control plan				5				5	5		5			5	5			5		5	5				5	5		5						5
Drainage report				4				4	4		4			4	4			5		4	4							4						4
Elevations, architectural								10	10					10				5			10	10			10	10	10				5	10		
Elevations, grading				4				4	4		4			4	4	4		5		4	4				4	4		4						4
Encampment management responsibility plan																														2				
Environmental checklist		10		10		10	10	10	10	10	10		10	10	10			5		10	10		10		10	10	10	10		10				12

Existing covenants (recorded copy)				5	3	5		5	5		5		5	5	5			5		5	5		5		5	5	5	5				5		5
Existing easements (recording copy)				5	3	5		5	5		5		5	5	5			5		5	5		5		5	5	5	5				5		5
Final plat plan																			5															
Floodplain map, if applicable								10	10				10	10					10	10	10				10	10	10	10		10	10	10		10
Floor plans								5	5					5				5	5		5				5	5	5			5	5	5		5
Geotechnical report				5				5	5					5				5	5		5				5	5	5				5	5		5
Grading plan, conceptual				10				10	10				10	10	10			5		10	10				10	10	10	10						
Grading plan,											10							5																12

detailed																																		
Joint aquatics resources permit application																								10	1	10	1 0							
Justification for the comprehensive plan amendments and, if applicable, rezone						10	10																											
Justification for the conditional approval permit (nonconforming																																		

structure)																																		
Justification for the conditional use permit request	5							10																										
Justification for rezone																							10											
Justification for variance request																																10		
Skagit County assessor's map, indicating site						3																												
Landscaping plan, conceptual								5	5					12	5					5	5				5	5			5					
Legal description	4	4		4	1	4	4	4	4		4		4	4	4	4		4	4	4	4	4	4	4	4	4	4	4	4		4	4		4

Legal description—Proposed					1																													
Letter describing proposed home occupation												1																						
Letter to examiner/council stating reason(s) for appeal			1																															
Letter explaining which comprehensive plan text/policies should be change							1																											

d, and why																																		
List of affected property owners within the annexation area boundary	2	2																																
List of surrounding property owners	2	2				2		2	2		2	2	2	2	2					2	2		2		2	2	2	1	2	2	2	2		2
Lot line adjustment map					5																													
Mailing envelopes for property owners (assessor's	2	2				2		2	2		2	2	2	2	2					3	2		2		2	2	2	3	2	2	2	2		2

office list required)																																		
Map of existing site conditions						12																								1				
Master application form		10		5	1	10	10	10	10	10	10		10	10	10	10			5	10	10	5	10	4	10	10	10	10	10	10	5	10		
Mobile home park plan															10	10																		
Monument cards (one per monument)				1															1			1						1						
Mylars (signed)				2									2	2		2			2			2						2						
Neighborhood detail map	10	10		10	5	10		10	10		10	1	10	10	10	10			5	10	12	5	10	4	10	10	10	10	10	10	5	10		

Parking, lot coverage and landscaping analysis				5	5			5	5		5				5							5			5	5	5		5			5		
Planned action application																		1																
Plat certificate																				3								3						
Postage for each set of mailing	2	2				2		2	2			2	2	2	2					2	2		2		2	2	2	1	2	2	2	2		2
Preapplication meeting summary, if any				5		5	5	5	5		5	1	5	5	5		5	5		5	5		5		5	5	5	5	5	5	5	5	5	7
Preliminary plat plan																				10														

Project narrative	10	10		10	5	10		10	10		10		10	10	10		5	5		10	10		10		4	10	10		10	10	10	5	10	
Proposal (non-project, e.g., draft ordinance, plan or policy							10		10																									
Proposal summary (non-project)							10		10																									
PUD water availability letter				2												2		2	2			2						2						
Screening detail, refuse/ recycling				10				10		10				10		10									10					10				
Short plat plan																												10						

Short plat plan, final																												2						
Site plan, land use review								10	12				10		10			10			10								10	10	5	10		10
Site plan, shoreline permit																								4										
Title report				1	1	1		1	1		1		1	1	1		1			1	1		1	1		1	1	1	1			1		1

a

Commented [AS26]: Significant changes and relocated to application checklists

C. Definitions of Terms Used in Submittal Requirements for Building, Planning and Public Works Permit Applications.

Commented [AS27]: All definitions relocated to 17.04.030 "Definitions"

1. Definitions A.

Action: Environmental review procedures, use only.

a. "Actions" include, as further specified below:

i. New and continuing activities (including projects and programs) entirely or partly financed, assisted, conducted, regulated, licensed, or approved by agencies;

ii. New or revised agency rules, regulations, plans policies, or procedures; and

iii. Legislative proposals.

b. "Actions" fall within one of two categories:

i. Project Actions. A project action involves a decision on a specific project, such as a construction or management activity located in a defined geographic area. Projects include and are limited to agency decisions to:

(A) License, fund, or undertake any activity that will directly modify the environment, Whether the activity will be conducted by the agency, an applicant, or under contract.

(B) Purchase, sell, lease, transfer, or exchange natural resources, including publicly owned land whether or not the environment is directly modified.

ii. Non-Project Actions. Non-project actions involve decisions on policies, plans, or programs such as:

(A) The adoption of amendment on legislation, ordinances, rules, or regulations that contain standards controlling use or modification of the environment;

(B) The adoption or amendment of comprehensive land use plans or zoning ordinances;

(C) The adoption of any policy, plan or program that will govern the development of a series of connected actions (WAC 197-11-060), but not including any policy, plan, or program for which approval must be obtained from any federal agency prior to implementations;

(D) Creation of a district or annexations to any city, town or district;

(E) Capital budgets; and

(F) Road, street, and highway plans.

c. "Actions" do not include the activities listed above when an agency is not involved. Actions do not include bringing judicial or administrative civil or criminal enforcement actions (certain categorical exemptions in Chapter 2.88 identify in more detail governmental activities that would not have any environmental impacts and for which SEPA review is not required).

"Administrative authority" means the planning director and/or the public works director of the city of Sedro-Woolley, or his/her duly authorized representative or agent.

"Affidavit of installation of public information sign" means a notarized statement signed by the applicant of applicant's representative attesting that the required public information sign(s) has been installed in accordance with city code requirements.

"Annexation, ten percent notice of intent" means a petition form, supplied by the city, containing the signatures of property owners as identified in Skagit County assessor's records as taxpayers of record for properties representing at least ten percent of the assessed valuation for the areas proposed for annexation. Information requested on the form includes the signatures of all identified taxpayers of record, the date of signing, a mailing address, and property identification number of each parcel. Petitions must conform to RCW 35A.01.040.

"Annexation, sixty percent petition" means a petition form, supplied by the city, containing the signatures of property owners as identified in Skagit County assessor's records as taxpayers of record for properties representing at least sixty percent of the assessed valuation for the areas proposed for annexation. Information requested on the form includes the signatures of all identified taxpayers of record, the date of signing, a mailing address, and property identification number of each parcel. Petitions must conform with RCW 35A.01.040.

"Applicant" means a person who files an application of permit under this title and who is either the owner of the land on which that proposed activity would be located, a contract vendee, a lessee of the land, the person who would actually control and direct the proposed activity, or the authorized agent of such a person.

"Applicant agreement statement" means a signed notarized statement indicating that:

a. The applicant agrees to allow for the potential collocation of additional wireless communication facility equipment by other providers on the applicant's structure or within the same site location; and

b. That the applicant agrees to remove the facility within six months after that site's use is discontinued or if the facility falls into disrepair, and restore the site to its pre-existing condition. If there are two or more users of a single wireless communication facility (WCF), then this provision shall not become effective until all users cease using the WCF.

"Application fee" means the appropriate processing fee as required by the Sedro-Woolley Municipal Code.

"Application form, building" means the planning department form required for the type of work to be performed (e.g., grading permit application for grading work, sign permit application for installation of a sign, etc.). Information requested includes the following:

a. Skagit tax assessor's number for the property;

b. Legal description of property;

c. Street address, if applicable;

d. Property owner's name, address and phone number;

e. Prime contractor's business name, address, phone number, current state contractor registration number; and

f. Either the name, address and phone number of the lender administering the interim construction financing, if any, or the name and address of the firm that has issued a payment bond, if any, on behalf of the prime contractor for the protection of the owner, if the bond is for an amount fifty percent or more than the total construction project.

"Application form, civil construction" means the city of Sedro-Woolley form used for all public works construction projects. Information requested includes the name, address, and telephone number for the project applicant and property owner, legal description, Skagit County tax assessor's number, site area, area of impervious surface, description of work, preliminary cost estimate, and, if applicable, water meter size.

"Application form, master" means the city of Sedro-Woolley planning department combined land use permit application form used for most environmental and land use reviews. Information requested includes the name, address, and telephone number for the project applicant, all owners, contact person, tax account number for the property, and other site information.

"Approved testing agency" means an agency, as determined by the Washington Association of Building Officials, whose purpose is to provide special building inspection(s).

"Architectural plans, commercial, industrial, attached dwellings with three or more units" means a twenty-four-inch by thirty-six-inch plan prepared by an architect licensed in the state of Washington (unless project exempted by WAC 18-04-410) drawn at a scale of one-eighth inch equals one foot or one-fourth inch equals one foot, or other size or scale approved by the building official, clearly indicating the information required by the permits section of the currently adopted International Building Code and Chapter 19.27 RCW (State Building Code Act, Statewide amendments), including, but not limited to, the following:

a. General building layout, both existing and proposed—indicate square footage of rooms, use of each room or area, window and door size and ventilation, opening headers, plumbing, ducting, and electrical layout, including penetration protection, IBC occupancy group, and IBC type of construction;

b. Cross section details, as needed, to show typical foundation, floor, wall, ceiling and roof construction; structural members labeled as to size and spacing; bracing, blocking, bridging, special connectors, anchor bolts; insulation of walls, floors and roof/ceiling;

c. Details of stairs, fireplaces and special construction, if any;

d. Skagit County health department approval on plans submitted to the city for dining/food-handling establishments;

e. Skagit County health department approval on plans submitted to the city for public pools/spas;

f. Independent plan review by the State of Washington Labor and Industries Electrical Division for I and E occupancies;

g. Asbestos assessment by the for interior demolition; and

h. Independent review by State Department of Health for hospitals.

"Architectural plans, detached dwellings, semi-attached dwellings, and two attached dwellings" means an eighteen-inch by twenty-four-inch, minimum, plan drawn at a scale of one-fourth inch equals one foot, or other size or scale approved by the building official, clearly indicating the information required by the permits section of the currently adopted International Building Code and Chapter 19.27 RCW (State Building Code Act, Statewide amendments), including, but not limited to, the following:

a. General building layout and room use;

b. Window and door size and window ventilation area;

c. Plumbing, duct, and electrical layout;

d. Opening headers, size and material;

e. Cross section details, as needed, to show typical foundation, floor, wall, ceiling and roof construction, including connection details;

f. Structural members labeled as to size and spacing as well as bracing, blocking, bridging, special connectors, and anchor bolts;

g. Special details as needed, (i.e., stairs, fireplaces, special construction); and

h. Insulation of walls, slab, floors, and roof/ceiling.

"Assessment information" means records obtained from the Skagit County assessor's office for each tax lot included in an area proposed for annexation. The records display all taxpayers of record and assessed value for each tax lot.

"Authorization for abatement" means an irrevocable signed and notarized statement granting the city permission to summarily abate the use and all physical evidence of that use, if it has not been removed as required by the terms of the permit. The statement shall include a statement that the applicant will reimburse the city for any expenses incurred in abating the use.

2. Definitions B. (Reserved)

3. Definitions C.

"Calculations, survey" means a compilation prepared by a state of Washington licensed land surveyor clearly indicating the dimensions of the boundaries and the closures for each lot, parcel, tract, and block in the plat, short plat, lot line, binding site plan, or lot line adjustment—an approved printed computer plot closure or demonstrated mathematical plot closure on all lots, streets, alleys and boundaries.

“Colored display maps” means full-size plan sheets of each of the following maps colored with a wide tip marker in order to clearly define the site’s outer property boundary, the area of new construction and/or proposed new lot lines (dashed), existing buildings, landscaping areas, and adjacent street names for use in presenting the project at public hearing and/or to the environmental review committee.

a. Neighborhood detail map;

b. Site plan;

c. Landscaping plan; and

d. Elevations.

“Conditional use permit justification” means a written description/justification setting forth the reasons in favor of the application and addressing the criteria listed in Section 17.56.060, Conditional use permits.

“Construction mitigation description” means a written narrative addressing each of the following:

a. Proposed construction dates (begin and end dates);

b. Hours of operation;

c. Proposed hauling/transportation routes;

d. Measures to be implemented to minimize dust, traffic and transportation impacts, erosion, mud, noise, and other noxious characteristics;

e. Any specialty hours proposed for construction or hauling (i.e., weekends, late nights); and

f. Preliminary traffic control plan.

“Covenants, draft” means a proposed, unrecorded written agreement promising performance or nonperformance of certain acts or stipulating certain uses or non-uses of property to be binding upon current and future property owners, including the legal description of that area of property to be encumbered.

“Covenants, existing” means the recorded limitation on property which may be set forth in the property deed and/or identified in a title report.

4. Definitions D.

“Deeds (draft) to city for any land to be dedicated” means a legal document proposing to convey ownership of real property and including a legal description of the area to be dedicated.

“Development” means the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance and any use or extension of the use of land.

“Drainage plan” means the plan for receiving, handling, transporting surface water within the subject property.

“Drainage plan/map” means plans drawn to scale and stamped by a state of Washington licensed engineer and complying with the requirements of the 2005 Department of Ecology’s Storm Water Management Manual for Western Washington.

“Drainage report” means a report stamped by a state of Washington licensed engineer complying with the requirements of the 2005 Department of Ecology’s Storm Water Management Manual for Western Washington.

5. Definitions E.

“Easements, existing” means a recorded document by the property owner granting one or more privileges to use the owner’s land to and/or for the use by the public, a corporation or another person or entity. Easements may be referenced by property deed and are identified in the property title report.

“Easements, proposed” means a draft document, including proposed legal description, listing to whom and for what specific purpose or purposes the easement is to be granted.

“Elevations, architectural” means a twenty-four-inch by thirty-six-inch fully dimensioned architectural elevation plan drawn at a scale of one-fourth inch equals one foot or one-eighth inch equals one foot (or other size or scale approved by the building official) clearly indicating the information required by the permits section of the currently adopted International Building Code and Chapter 19.27 RCW (State Building Code Act, Statewide Amendments), including, but not limited to, the following:

a. Existing and proposed ground elevations;

b. Existing average grade level underneath proposed structure;

c. Height of existing and proposed structures showing finished roof-top elevations based upon site elevations for proposed structures and any existing/abutting structures;

d. Building materials and colors including roof, walls, any wireless communication facilities, and enclosures;

e. Fence or retaining wall materials, colors, and architectural design;

f. Architectural design of on-site lighting fixtures; and

g. Cross-section of roof showing location and height of roof-top equipment (include air conditioners, compressors, etc.,) and proposed screening.

“Encampment management responsibility plan” means a written plan addressing the criteria listed in Section 17.110.020, Application for temporary homeless encampment permit.

“Energy Code checklist, nonresidential” means the standard Washington State Energy Office form requesting the information required under Chapter 51-11 WAC detailing building components to be used to comply with the State Nonresidential Energy Code.

“Energy Code checklist, residential” means the standard Washington State Energy Office form requesting the information required under Chapter 51-11 WAC or city-provided form detailing building components to be used to comply with the State Residential Energy Code.

“Engineering geologist” means a licensed geologist who is experienced and knowledgeable in engineering geology.

“Engineering geology” means the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.

“Engineering geology report” means a report that includes an adequate description of the geology of the site, conclusions, and recommendations regarding the effect of geologic conditions on the proposed development.

“Environmental checklist” means the standard state of Washington form required under WAC 197-11-742 and 197-11-960.

“Erosion control plan, temporary” means drawings of the entire site showing the proposed erosion control measures for the project in conformance with the city of Sedro-Woolley drafting standards (or as approved by the public works department) and 2005 Department of Ecology’s Storm Water Management Manual for Western Washington as adopted by the city of Sedro-Woolley.

6. Definitions F.

“Final plat plan” means the final plat or final short subdivision map (for short subdivisions of five or more lots) shall be drawn to a scale of not less than one inch representing one hundred feet unless otherwise approved by the department, and on sheets eighteen inches by twenty-four inches. The original reproducible drawing shall be in black ink on stabilized drafting film, and shall:

a. Include the date, title, name and location of subdivision, graphic scale, and north arrow.

b. Include names, locations, widths and other dimensions of existing and proposed streets, alleys, easements, parks, open spaces and reservations.

c. Include lot lines with all property lines dimensioned and square footage of each lot.

d. Include location, dimensions, and square footage of any existing structures to remain within or abutting the plat.

e. Include location of existing conditions (such as wetlands, steep slopes, watercourses, floodplains) on or adjacent to the site which could hinder development.

f. Include reservations, restrictive covenants, easements (including easement language), and any areas to be dedicated to public use, with notes stating their purpose and any limitations. If a new easement is created on the plat, it must show the grantee of the easement rights. If the grantee is the city, a statement of easement provisions reserving, granting and conveying the easement, with a description of the rights and purposes, needs to be made on the plat.

g. Include the lot and block numbering scheme and lot addresses on the plat map. Street names and addresses shall be determined by the department.

h. Contain data sufficient to determine readily and reproduce on the ground the location, bearing, and length of every street, easement line, lot line, boundary line and block line on site. Shall include dimensions to the nearest one-hundredth of a foot and angles and bearings in degrees, minutes, and seconds.

i. Include coordinates per city surveying standards for permanent control monuments.

j. Display all interior permanent control monuments located per city surveying standards.

k. Be mathematically correct.

l. Contain a legal description of the land to be subdivided on the final mylar.

m. Include certifications:

i. Certification showing that streets, rights-of-way and all sites for public use have been dedicated.

ii. Certification by a licensed land surveyor that a survey has been made and that monuments and stakes will be set.

iii. Certification by the responsible health agencies that the methods of sewage disposal and water service are acceptable.

iv. Certification by the Skagit County finance department that taxes have been paid in accordance with Section 1, Chapter No. 188, Laws of 1927 (RCW 58.08.030 and 58.08.040) and that a deposit has been made with the Skagit County finance department in sufficient amount to pay the taxes for the following year.

v. Certification by the city finance department that there are no delinquent special assessments and that all special assessments certified to the city treasurer for collection on any property herein contained dedicated for streets, alleys or other public uses are paid in full.

vi. Certification of approval to be signed by the planning director.

vii. Certification of approval to be signed by the mayor and attested by the city clerk.

Flood Hazard Data. "Flood hazard data" includes:

a. Plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing;

b. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;

c. Elevation in relation to mean sea level to which any structure has been floodproofed;

d. Certification by a registered professional engineer or architect that the floodproofing methods criteria in Chapter 17.66 are met.

e. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

"Floor plans, general" means a basic line drawing plan of the general building layout showing walls, exits, windows, and designated uses indicating the proposed locations of kitchens, baths and floor drains, bedrooms and living areas, with sufficient detail for city staff to determine if an oil/water separator or grease interceptor is required and to determine sizing of side sewer.

7. Definitions G.

"Grading plan" means a twenty-two-inch by thirty-four-inch plan drawn by a state of Washington licensed landscape architect at a scale of one inch to forty feet (horizontal feet) and one inch to ten feet (vertical feet) or other size plan sheet or scale approved by the planning department clearly indicating the following:

a. Graphic scale and north arrow;

b. Dimensions of all property lines, easements, and abutting streets;

c. Location and dimension of all on-site structures and the location of any structures within fifteen feet of the subject property or which may be affected by the proposed work;

d. Accurate existing and proposed contour lines drawn at five-foot, or less, intervals showing existing ground and details of terrain and area drainage to include surrounding off-site contours within one hundred feet of the site;

e. Location of natural drainage systems, including perennial and intermittent streams, the presence of bordering vegetation, and flood plains;

f. Setback areas and any areas not to be disturbed;

g. Finished contours drawn at five-foot intervals as a result of grading;

h. Proposed drainage channels and related construction with associated underground storm lines sized and connections shown; and

i. General notes addressing the following (may be listed on cover sheet):

i. Area in square feet of the entire property.

ii. Area of work in square feet.

iii. Both the number of tons and cubic yards of soil to be added, removed, or relocated.

iv. Type and location of fill origin, and destination of any soil to be removed from site.

v. Finished floor elevation(s) of all structures, existing and proposed.

8. Definitions H.

Hearing Examiner. The hearing examiner is appointed by the mayor of the city to conduct public hearings on applications outlined in the city ordinance that creates the hearing examiner, and prepares a record, findings of fact, and conclusions on such applications.

“Heat loss calculation” means a State of Washington Energy Code mandated analysis performed to determine the heat loss of a structure in order to determine the size of the required heating equipment.

9. Definitions I.

“Installer certification” means Washington State Department of Community, Trade and Economic Development (CTED) approval given to those contractors authorized to install manufactured homes and designated by a state-registration number.

10. Definitions J. (Reserved)

11. Definitions K. (Reserved)

12. Definitions L.

“Land use permit conditions” means environmental or land use permit requirements which may have been placed upon the project in addition to any code-mandated requirements in conjunction with a required environmental determination and/or a land use permit. Examples of land use permits include site plan review, conditional use permits and variances.

“List of current property owners and residents” means a listing of all current property owners and residents and their mailing addresses and Skagit County assessor’s account numbers within five hundred feet of the boundaries of the subject site as obtained from a title company or the Skagit County assessor’s office. The list shall include a notarized statement from the applicant attesting that the ownership information provided is current and accurate. “Current” shall mean obtained within the past thirty days unless otherwise approved by the planning department.

13. Definitions M.

“Mailing envelopes” means postage-paid, addressed envelopes including the name, mailing address, and Skagit County assessor’s account numbers (optional) for all property owners and residents within five hundred feet of the boundaries of the subject site.

“Map of existing site conditions” means a plan drawn at the same scale as, or combined with, the grading plan or topography map showing existing topographical or five-foot contours or less, and structural and natural features. The plan shall include major trees, shrubs, large rocks, creeks and watersheds, floodplains, buildings, roadways and trails.

“Master application form” means the standardized application form used for the majority of land use permit applications including, but not limited to, the following:

a. Owner, applicant, and contact person names, addresses and telephone numbers;

b. Notarized signatures of all current property owners;

c. Name of the proposed project;

d. Project/property address;

e. Skagit County assessor’s tax account number;

f. Existing and proposed land uses;

g. Existing and, if applicable, proposed comprehensive plan map designation;

h. Existing and, if applicable, proposed zoning designation;

i. Site area;

j. Estimated project cost;

k. Whether or not the project site contains any environmentally sensitive areas; and

l. Property legal description.

“Mechanical plans” means plans as required per the International Mechanical Code (IMC) and section 1141 of the currently adopted Washington State Energy Code (WSEC) along with Washington State amendments.

“Monument card” means a form provided by the city and filled out by a surveyor providing information regarding a single monument, including the section, township and range, method of location, type of mark found or set, manner of re-establishment of the single monument (if applicable), description, and a drawing showing the location of a single monument and indicating a reference point to that monument.

14. Definitions N.

“Neighborhood detail map” means a map, drawn at a scale of one inch equals one hundred feet or one inch equals two hundred feet (or other scale approved by the planning department). The map shall show the location of the subject site relative to the property boundaries of the surrounding parcels within approximately one thousand feet or approximately two thousand five hundred feet for properties over five acres and identifying the subject site with a darker perimeter line than that of surrounding properties. The map shall also show the property’s lot lines, existing land uses, building outlines, city boundaries of the city of Sedro-Woolley (if applicable), north arrow (oriented to the top of the plan sheet), graphic scale used for the map, and street names for all streets shown.

15. Definitions O. (Reserved)

16. Definitions P.

“Parking, lot coverage, landscaping analysis” means a listing of the following information (may also be included on the first sheet of the site plan):

a. Total square footage of the site;

b. Total square footage of existing area(s) of impervious surfacing;

c. Total square footage of existing natural/undeveloped area;

d. Square footage (by floor and overall total) of each individual building and/or use;

e. Total square footage of the footprints of all buildings;

f. Percentage of lot covered by buildings or structures;

g. Total pavement square footage, both existing pavement to remain plus new pavement proposed to be installed;

h. Square footage of any on-site wetlands;

i. Parking analysis to include the total number of parking spaces required and provided, number of compact and ADA accessible spaces provided, and parking space dimensions;

j. Square footage of landscaping for each area, for interior parking lot landscaping, and total;

k. Allowable and proposed building height;

l. Building setbacks required by code; and

m. Proposed building setbacks.

"Planned action" is defined in WAC 197-11-164 as one or more types of project action that has had significant environmental impacts adequately addressed in an environmental impact statement (EIS) prepared in conjunction with the comprehensive plan, subarea plan, fully contained community, a master planned resort, a master planned development or a phased project.

a. A project action addressed in a planned action does not require an environmental checklist or threshold determination, but may require the checklist for review to mitigate environmental impacts through the site plan review process.

b. To qualify, a project action shall:

i. Be subsequent to or implementing projects in a comprehensive plan, subarea plan, fully contained community, a master planned resort, a master planned development or a phased project;

ii. Be located within the city's adopted urban growth areas;

iii. Be consistent with the comprehensive plan;

iv. Not be an essential public facility, as defined in RCW 36.70A.200.

c. The city council shall designate and approve by ordinance a planned action. The ordinance:

i. Shall describe the type(s) of project action being designated as a planned action;

ii. Shall describe how the planned action meets the criteria in subsection (b) of this definition, including specific references to the EIS;

iii. Shall include findings that the environmental impacts have been identified and adequately addressed in the EIS, subject to project review under WAC 197-11-172;

iv. Should identify any specific mitigation measures other than applicable development regulations that must be applied to a project for it to qualify as a planned action.

d. The planned action may be limited to certain types of development, to specific geographical areas of the city, and/or a time period identified in the EIS, plan, ordinance or resolution.

e. Review of a project proposed as a planned action is intended to be simpler and more focused than for other projects. Review of the project shall include:

i. Verification that it meets the description and implements any applicable conditions or mitigation measures identified in the designating ordinance or resolution;

ii. Verification that the proposed significant adverse environmental impacts of the project have been adequately addressed in the EIS.

"Plat certificate" means a document prepared by a title insurance company documenting the ownership and title of all interested parties in the plat, subdivision, or dedication and listing all encumbrances. In the case of a final plat, the certificate shall be dated within forty-five days prior to the granting of the final plat by the city council.

"Plumbing plan" means plans as required by the currently adopted Uniform Plumbing Code (UPC) and state amendments.

"Preliminary plat or binding site plan" means a plan, with a two-inch border on the left edge and one-half-inch on all other sides, prepared by a state of Washington registered land surveyor in accordance with RCW 18.43.020 and/or Chapter 58.17 RCW, fully dimensioned, drawn at a scale of one inch equals forty feet on an eighteen-inch by twenty-four-inch plan sheet (or other size or scale approved by the planning department) and shall include the following:

a. Name of the proposed preliminary plat or binding site plan (and space for the future city file numbers).

b. Names and addresses of the engineer, licensed land surveyor, and all property owners.

c. Legal description of the property to be subdivided.

d. Date, graphic scale, and north arrow oriented to the top of the paper/plan sheet.

e. Vicinity map (a reduced version of the neighborhood detail map as defined above).

f. Drawing of the subject property with all existing and proposed property lines dimensioned. Lots designated by number within the area of the lot. Tracts shall be similarly designated and each tract shall be clearly identified with the ownership and purpose. Indicate the required yards (setbacks) with dashed lines.

g. Location of the subject site with respect to the nearest street intersections (including intersections opposite the subject property), alleys and other rights-of-way.

h. Names, locations, types, widths and other dimensions of existing and proposed streets, alleys, easements, parks, open spaces and reservations.

i. Location, distances from existing and new lot lines, and dimensions of any existing and proposed structures, existing on-site trees, existing or proposed fencing or retaining walls, freestanding signs, and easements.

j. Location of existing conditions on or adjacent to the site which could hinder development.

k. Flood hazard information and boundary on the subdivision drawing including the nature, location, dimensions, and elevations of the subdivided area.

l. A legend listing the following included on the first sheet of the preliminary plat plan:

- i. Total area in acres;
- ii. Proposed number of lots;
- iii. Zoning of the subject site;
- iv. Proposed square footage in each lot; and
- v. Percentage of land in streets and open space.

m. Access and Utilities. Indicate how the proposed subdivision will be served by streets and utilities, show how access will be provided to all lots, and the location of sewer and water lines.

n. Contours and Elevations. Shall include contour and/or elevations (at five-foot vertical intervals minimum) to the extent necessary to accurately predict drainage characteristics of the property. Approximate, estimated contour lines shall be extended at least one hundred feet beyond the boundaries of the proposed plat.

o. Zoning. Shall indicate the zoning applicable to the land to be platted, subdivided or dedicated and of the land adjacent and contiguous.

"Project information sheet" means an eight and one-half-inch by eleven-inch sheet of paper listing the following information:

a. Job address;

b. Property owner's name;

c. Skagit County tax assessor's number;

d. Legal description of property.

"Project narrative" means a clear and concise description and summary of the proposed project, including the following:

a. Project name, size and location of site;

b. Zoning designation of the site and adjacent properties;

c. Current use of the site and any existing improvements;

d. Special site features (i.e., wetlands, water bodies, steep slopes);

e. Statement addressing soil type and drainage conditions;

f. Proposed use of the property and scope of the proposed development (i.e., height, square footage, lot coverage, parking, access, etc.);

g. Proposed off-site improvements (i.e., installation of sidewalks, fire hydrants, sewer main, etc.);

h. Total estimated construction cost and estimated fair market value of the proposed project;

i. Estimated quantities and type of materials involved if any fill or excavation is proposed;

j. Number, type and size of trees to be removed;

k. Explanation of any land to be dedicated to the city; and

l. For shoreline applications only:

i. Name of adjacent water area or wetlands;

ii. Nature of existing shoreline—describe:

(A) Type of shoreline (i.e., lake, stream, lagoon, marsh, bog, floodplain, floodway);

(B) Type of beach (i.e., accretion, erosion, high bank-low bank);

(C) Type of material (i.e., sand, gravel, mud, clay, rock, riprap); and

(D) The extent and type of any bulkheading; and

iii. The number and location of structures and/or residential units (existing and potential) which might have views obstructed as a result of the proposed project; and

m. The proposed number, size, and density of the new lots, for subdivision applications only.

"Proposal description" means a complete, unabridged copy of the proposal (i.e., draft ordinance, resolution, plan or policy) and all attachments.

"Proposal summary" means a concise description of the scope, intent and timing of the proposal.

"Public works approval letter" means written confirmation from the public works department that all required improvements have been substantially installed or deferred and authorizing the submittal of the final plat, final short plat, final binding site plan, or final PUD application.

17. Definitions Q. (Reserved)

18. Definitions R.

"Rezone justification" means a written statement and other information provided by the applicant to support the rezone which may include, but is not limited to: letters, photographs, site development plans, market research reports, and land use maps indicating in a clear and concise manner why the rezone application should be granted and that the rezone request is timely.

“Roadway construction plans” means plans prepared by a state of Washington licensed civil engineer as detailed by the document City of Sedro-Woolley Public Works Department Standards.

19. Definitions S.

“Screening detail, refuse/recycling” means a detailed plan drawing, prepared to scale, showing location within property boundaries, heights, elevations, and building materials of proposed screening or of proposed plantings.

“Short plat or binding site plan map, final” means a plan, with a two-inch border on the left edge and one-half inch on all other sides, prepared by a state of Washington registered land surveyor in accordance with RCW 18.43.010 and/or Chapter 58.17 RCW, fully dimensioned, drawn at a scale of one inch equals forty feet on eighteen-inch by twenty-four-inch plan sheet(s) (or other scale approved by the planning director). The reproducible original shall be in black ink on stabilized drafting film and shall include the following:

a. Name and location of the short plat or binding site plan;

b. Space reserved for “city of Sedro-Woolley file number” (large type) at top of first sheet;

c. Legal description of the property;

d. Date, graphic scale, and north arrow;

e. Vicinity map (a reduced version of the “neighborhood detail map” as defined above);

f. Names, locations, widths and other dimensions of existing and proposed streets, alleys, easements, parks, open spaces and reservations. Shall show all utilities, streets, existing and new easements and associated covenants within or abutting the short plat. If a new easement is created on the plat, it must show grantee of easement rights. If the grantee is the city, a statement of easement provisions reserving and conveying the easement, with a description of the rights and purposes, needs to be made on the short plat;

g. Lots designated by number within the area of the lot. Tracts shall be similarly designated and each tract shall be clearly identified with the ownership and purpose. Lot lines with all property lines dimensioned and square footage of each lot;

h. Lot numbers;

i. Addresses for each lot and new street names determined by the department;

j. Reservations, restrictive covenants, easements and any areas to be dedicated to public use with notes stating their purpose, and any limitations, and identifying the grantee. If the grantee is the city, a statement of provisions reserving, granting and/or conveying the area with a description of the rights and purposes must be shown;

k. Coordinates per city surveying standards for permanent control monuments;

l. All interior permanent control monuments located per city surveying standards;

m. Statement of equipment and procedure used per WAC 332-130-100;

n. Basis for bearing per WAC 332-130-150(1)(b)(iii);

o. Date the existing monuments were visited per WAC 332-103-050(1)(f)(iv);

p. Verification that permanent markers are set at corners of the proposed lots;

q. Statement of discrepancies, if any, between bearing and distances of record and those measured or calculated;

r. Location, dimensions and square footage of any existing structures to remain within or abutting the plat;

s. Location of existing conditions (such as wetlands, steep slopes, watercourses) on or adjacent to the site which could hinder development;

t. Reference to all agreements or covenants required as a condition of approval;

u. For binding site plans only: provisions requiring site development to be in conformity with the approved binding site plan;

v. Certifications by:

  i. A state of Washington licensed land surveyor that a survey has been made and that monuments and stakes have been set;

  ii. The Skagit County department of health that the proposed septic system(s) is acceptable to serve the plat if not served by sewer;

w. Signature and date line for:

i. All property owners (signatures must be notarized with an ink stamp);

ii. The Skagit County assessor;

iii. The city of Sedro-Woolley city clerk-treasurer with the following text preceding: “There are no delinquent special assessments and any special assessments for any dedicated property herein contained have been paid in full”; and

iv. The public works director.

“Short plat map, preliminary” means a fully dimensioned plan, drawn at a scale of one inch equals forty feet on an eighteen-inch by twenty-four-inch plan sheet (or other size or scale approved by the planning director) and including the following information:

a. Name of the proposed short plat (and space for the future city file number);

b. Names and addresses of the engineer, licensed land surveyor, and all property owners;

c. Legal description of the property;

d. Date, graphic scale, and north arrow oriented to the top of the paper/plan sheet;

e. Vicinity map (a reduced version of the “neighborhood detail map” as defined above);

f. A drawing of the subject property with all existing and proposed property lines dimensioned, indicating the required yards (setbacks) with dashed lines;

g. Location of the subject site with respect to the nearest street intersections (including intersections opposite the subject property), alleys and other rights-of-way, showing how access will be provided to all lots;

h. Names, locations, widths and other dimensions of existing and proposed streets, alleys, easements, parks, open spaces and reservations;

i. Contours and elevations at minimum five-foot vertical intervals to the extent necessary to predict drainage characteristics of the property. Approximate, estimated contour lines shall be extended at least one hundred feet beyond the boundaries of the proposed short plat;

j. Location and dimensions of any existing and proposed structures, existing on-site trees, existing or proposed fencing or retaining walls, freestanding signs, and easements;

k. Location of existing conditions on or adjacent to the site which could hinder development;

l. Flood hazard information and boundary on the subdivision drawing including the nature, location, dimensions, and elevations of the subdivided area; and

m. A legend listing the following included on the first sheet of the short plat plan:

i. Short plat;

ii. Proposed number of lots;

iii. Zoning of the subject site;

iv. Proposed square footage in each lot; and

v. Proposed square footage of land in streets and open space.

“Sign plans” means a plan drawn at a scale approved by the building official clearly indicating the following:

a. Footing connections to building, size of supports and materials used in supports and sign itself;

b. Elevation showing size and height of any proposed freestanding or projecting signs clearly indicating ground clearance and clearance to overhead power lines; and

c. Elevation of building facade for any proposed wall signs showing dimensions of the building as well as existing and proposed wall signs.

“Site plan, commercial, industrial, multifamily” means a twenty-four-inch by thirty-six-inch plan drawn by a state of Washington licensed architect at a scale of one inch equals twenty feet or one inch equals forty feet (or other size plan sheet or scale approved by the building official) clearly indicating the following:

a. Scale and north arrow;

b. Legal description;

c. Location, identification, and dimensions of all buildings, property lines, setbacks, streets, alleys and easements;

d. Condition of all public rights-of-way and verification of right to use easements;

e. Off-street parking layout and driveways;

f. Curbs, gutters, sidewalks, paving, storm drainage, meters (domestic and fire), and grease interceptors;

g. Grading plan showing proposed and existing contours and site elevations;

h. Landscaped areas, irrigation meters;

i. Lighting and sign structures (new and existing);

j. Location of garbage containers and recycling storage;

k. Fire hydrant locations (new and existing) within three hundred feet of building;

l. For wireless communication facilities, indicate type and locations of existing and new plant materials used to screen facility components and the proposed color(s) for the facility;

m. General notes addressing the following (may be listed on cover sheet):

  i. Full name of the project;

  ii. Name, address, and telephone number of owner and agent(s);

  iii. Existing zoning of the project site;

  iv. Area, in square feet, of the project site;

  v. Reference to the current International Building Code (i.e., IBC and date of current adopted version);

  vi. Proposed use of each building (if multifamily, the number of dwelling units);

  vii. IBC occupancy group designation;

  viii. IBC type of construction of all buildings;

ix. Allowable and proposed building height and number of stories of new buildings;

x. Square footage (by floor and overall total) of each individual building and/or use;

xi. Total square footage of all buildings (footprint of each building);

xii. Allowable area calculation;

xiii. Occupancy load (maximum capacity) of each building;

xiv. Percentage of lot coverage;

xv. Square footage of all landscaping (total, parking lot, and wildlife habitat);

xvi. Seismic zone of the project site;

xvii. Floor, roof, and wind design loads;

xviii. Identity of special inspection agency selected by the owner to perform special inspections;

xix. Building setbacks required by code;

xx. Proposed building setbacks;

xxi. Parking analysis, including:

(A) Number of stalls required, by use; number of stalls provided, by use;

(B) Sizes of stalls and angles;

(C) Location and number of handicap stalls, compact, employee and/or guest parking stalls;

(D) Location and size of curb cuts;

(E) Traffic flow within the parking, loading, and maneuvering areas and ingress and egress;

(F) Location of wheel stops;

(G) Loading space;

(H) Stacking space; and

(I) Square footage of interior parking lot landscaping.

"Site plan, sign" means a twenty-four-inch by thirty-six-inch plan drawn at a scale of one inch equals twenty feet or one inch equals forty feet (or other size plan sheet or scale approved by the building official) clearly indicating the following:

a. Scale and north arrow;

b. Location, identification and dimensions of all buildings, property lines, existing and proposed signs, streets, alleys and easements, and the setbacks from property lines and easements;

c. Location and dimensions of off-street parking layouts and driveways;

d. Location and dimensions of the landscaped areas;

e. General notes addressing the following (may be listed on cover sheet):

i. Note if any proposed signage will flash or be animated;

ii. Name, address and telephone number of owner and agent(s);

iii. Zoning of the project site;

iv. Street frontage(s) (in feet) for the site or, for multiple tenants building, indicate frontage of individual tenant space;

v. Type (e.g., freestanding, wall, etc.), size and number of all existing signs;

vi. Type, size and number of all proposed signs;

vii. Reference to the current sign code; and

viii. Wind design loads.

"Site plan, single-family/duplex" means an eight-and-one-half-inch by eleven-inch plan drawn at a scale of one inch to twenty feet or one inch to forty feet (or other size plan sheet or scale approved by the building official) clearly indicating the following:

a. Legal description;

b. Explanation of scope of work;

c. Existing and proposed construction labeled and differentiated by pattern or line type;

d. Dimensions of all property lines and all building setbacks to property lines;

e. Dimensions and labels for all streets, alleys, and/or easements;

f. Lot size in square feet;

g. Location and footprint size in square feet of all existing and proposed structures on property including decks, carports, storage sheds, and garages;

h. Location and dimensions of approaches, driveways and public sidewalks;

i. Elevation at property corners and contour lines at two-foot height intervals, showing proximity to steep slopes;

j. Finished floor elevation for properties located within a flood zone;

k. The location, height and length of retaining walls, rockeries, etc.;

l. Location and distance in feet of nearest fire hydrant to structure; and

m. Location of any pool/spa and setback dimensions to property lines and the location of the required six-foot fence.

“Stream and lake data” include the following information, prepared as specified:

a. Field Location. The ordinary high water mark shall be flagged in the field by a qualified consultant. The field flagging must be accompanied by a stream or lake reconnaissance report.

b. Reconnaissance Report. The report shall include the following information:

i. In addition to any submittal requirements in this chapter, the site map(s) shall indicate:

(A) The entire parcel of land owned by the applicant and the ordinary high water mark determined in the field;

(B) Top view and typical cross-section views of the stream or lake bed, banks, and buffers to scale;

(C) The vegetative cover of the stream or lake, banks, and the site identification of the dominant plant and animal species;

ii. Stream or Lake Assessment. A narrative report shall be prepared to accompany the site plan which describes:

(A) The vegetative cover of the stream or lake, banks, and the site, identifying the dominant plant, fish, and animal species;

(B) If mitigation is proposed, a mitigation plan which includes baseline information, environmental goals and objectives, performance standards, construction plans, a monitoring program and a contingency plan;

(C) If stream or lake or associated buffer changes are proposed, the applicant shall evaluate alternative methods of developing the property using the following criteria in this order:

(1) Avoid any disturbances to the stream, lake or buffer;

(2) Minimize any stream, lake or buffer impacts;

(3) Compensate for any stream, lake or buffer impacts;

(4) Restore any stream, lake or buffer area impacted or lost temporarily; and

(5) Enhance degraded stream or lake habitat to compensate for lost functions and values;

(D) Any proposed alteration of lakes or streams shall be evaluated by the planning director using the above hierarchy.

“Street lighting plan” means a drawing showing the proposed lighting system, including luminaries, junction boxes, electric wiring, and wiring diagrams using the same scale as the utility plans of the public works department and conforming to the city of Sedro-Woolley street light standards.

“Structural calculations” means an analysis of loads, materials, etc., prepared and stamped by a state of Washington licensed professional engineer.

“Structural plans” means twenty-four-inch by thirty-six-inch plans prepared and stamped by a state of Washington licensed professional engineer drawn at a scale of one-eighth inch equals one foot (or other size or scale approved by the building official) clearly indicating the information required by the permits section of the currently adopted

International Building Code and Chapter 19.27 RCW (State Building Code Act, Statewide amendments), including, but not limited to, the following:

a. Structural members labeled as to size and spacing as well as bracing, blocking, bridging, special connectors, and anchor bolts;

b. Cross-section details, as needed, to show typical foundation, floor, wall, ceiling and roof construction; insulation of walls, floors and roof/ceiling; and

c. Details of stairs, fireplaces and special construction, if any.

"Survey" means a sketch showing all distances, angles and calculations required to determine corners and distances of the plat shall accompany this data. The allowable error of closure shall not exceed one foot in ten thousand feet per city surveying standards. Shall be accompanied by a complete survey of the section or sections in which the plat or replat is located, or as much thereof as may be necessary to properly orient the plat within such section or sections. The plat and section survey shall be submitted with complete field and computation notes showing the original or re-established corners with descriptions of the same and the actual traverse showing error of closure and method of balancing.

20. Definitions T.

"Topography map" means a map showing the existing land contours using vertical intervals of not more than five feet. For any existing buildings the map shall show the finished floor elevations of each floor of the building.

"Traffic study" means a report prepared by a state of Washington licensed engineer containing the elements and information in sufficient detail to define potential problems related to the proposed development and identify the improvements necessary to accommodate the development in a safe and efficient manner.

"Tree cutting/land clearing (tree inventory) plan" means a plan, based on finished grade, drawn to scale with the northern property line at the top of the paper clearly showing the following:

a. All property boundaries and adjacent streets;

b. Location of all areas proposed to be cleared;

c. Types and sizes of vegetation to be removed, altered or retained. This requirement applies only to trees eight inches in diameter for evergreens and ten inches in diameter for deciduous trees at a point five feet from the ground, and larger;

d. Future building sites and drip lines of any trees which will overhang/overlap a construction site; and

e. Location and dimensions of rights-of-way, utility lines, and easements.

21. Definitions U.

"Utilities construction plans" means plans prepared by a state of Washington licensed civil engineer as stipulated by the city of Sedro-Woolley standards.

"Utilities plan, generalized" means a plan drawn on twenty-two-inch by thirty-four-inch plan sheets using a graphic scale of one inch equals twenty feet (or other scale or size approved by the public works department) clearly showing all existing (to remain) and proposed public or private improvements to be dedicated or sold to the public including, but not limited to: curbs, gutters, sidewalks, median islands, street trees, fire hydrants, utility poles, refuse areas, freestanding lighting fixtures, utility junction boxes, public utility transformers, etc., along the full property frontage. The finished floor elevations for each floor of proposed and existing (to remain) structures shall be shown.

22. Definitions V.

"Variance justification" means a written statement setting forth the reasons in favor of the application and addressing the criteria listed in Chapter 17.60 which are used by the hearing examiner/administrative staff when reviewing the variance request.

23. Definitions W. (Reserved)

24. Definitions X. (Reserved)

25. Definitions Y. (Reserved)

26. Definitions Z. (Reserved)

(Ord. 2083-24 § 3, 2025; Ord. 2036-23 §§ 4, 5, 2023; Ord. 1954-20 § 1 (Exh. A)(part), 2020; Ord. 1884-17 § 2, 2017; Ord. 1816-15 § 3 (Exh. A)(part), 2015; Ord. 1627-08 § 1 (App. A)(part), 2008)

2.34.080 Duties.

[...]

B. Hold and conduct public hearings in accordance with SWMC Chapter 17.04, SWMC Chapter 15.15~~2.90~~, RCW Chapter 42.32, and all other applicable law, and to prepare a record thereof;

C. Make recommendations and decisions on all applications, permits or approvals as described in SWMC Chapter 15.15~~2.90~~;

D. Hear and make final decisions on appeals made pursuant to SWMC Chapter 17.04~~2.90~~;

[...]

2.88.170 Appeals.

[...]

B. An appeal must be filed in writing with the responsible official within fourteen calendar days of the decision. The appeal shall identify the decision, contain a summary of the grounds for the appeal and be accompanied by an appeal fee in an amount established by resolution of the city council. Following the receipt of the appeal and fee, the responsible official shall transmit a copy of the appeal to the hearing examiner for an open record hearing pursuant to SWMC 17.04~~2.90~~. Any party with standing may file an appeal of the decision of the hearing examiner's decision with the superior court per the Land Use Petition Act RCW 36.70C.

[...]

13.36.170 Exceptions.

[...]

F. An exception/variance shall be subject to the same notice requirements and appeal process from the decision of the director as a Type II decision subject to Chapter 15.15~~2.90~~, to the extent applicable and not inconsistent with this chapter. (Ord. 2068-24 § 1 (Att. A), 2024)

[...]

13.36.220 Appeals.

Any applicant may appeal the decision of the director to issue, condition or deny a permit in the same manner as a Type II decision subject to Chapter ~~2.90~~15.15, to the extent applicable and not inconsistent with this chapter. For administrative interpretations see Section 13.36.180.

[...]

Title 15
BUILDINGS, ~~AND~~ CONSTRUCTION, AND DEVELOPMENT

Chapters:

Chapter 15.15

CONSOLIDATED PERMIT ADMINISTRATION

Sections:

15.15.002 Purpose.

The purpose of consolidated permit administration is to clarify the permitting process and requirements to obtain approval for land use and development permits.

15.15.004 Applicability.

All applications for development and land use shall be subject to the provisions of this chapter, except where specifically exempted herein.

15.15.006 Effect of permit.

The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, an approval of, or waiver from, any violation of any of the provisions of this code. No permit presuming to give authority to violate or cancel the provisions of this code shall be valid except insofar as the work or use which it authorized is lawful.

15.15.008 Definitions.

See SWMC 17.04.030.

15.15.010 Complete application required.

A. Permit applications shall be filed with the Community Development Department on forms provided by the Department.

B. An administratively complete application shall include information in all applicable form fields, all applicable supplemental materials listed in the accompanying application checklist, and payment of all applicable application fees as established by the City's currently adopted Master Fee Schedule.

C. All land use permit applications, including but not limited to any permit requiring SEPA review per SWMC 2.88, subdivisions, binding site plans, planned residential developments, conditional uses, shoreline substantial development permits, review of critical areas, rezones, or amendments to a comprehensive plan, subarea plan, or development regulations, shall receive a written determination of completeness from the Department within twenty-eight calendar days of initial submission of a land use permit application.

1. Development permit applications which do not require any land use permit approval do not require a determination of completeness from the Department.

2. If the application is not complete upon initial submission of application materials, the Department shall issue a letter describing the necessary changes to make the application complete. Once these changes have been made by the applicant, the Department shall issue a determination of completeness within fourteen calendar days of receipt of the revised application materials.

3. An application may not be determined incomplete if all application materials on the most current version of the application form are provided. The Department may request this information before approval but must determine the application as procedurally complete.

D. All permit applications shall be filed with the Department.

E. Submittal Waiver Process. In order to have any of the normally required submittals waived, the applicant must request such waiver(s) at or after a pre-application meeting with city staff. Staff will consider the merits of the waiver request(s) and will provide the applicant with a written list of any/all submittals waived. The applicant must submit a copy of the list of city-approved waiver(s) at the time of formal application.

F. Letter of Completeness. Upon finding a Type II, III, IV, or V application complete, the Department will provide a letter of completeness to the applicant and property owner(s).

G. In the absence of a written determination, the application shall be deemed complete twenty-eight calendar days after the initial submittal date.

H. Additional Information May Be Requested. A written determination of completeness does not preclude the Department from requesting supplemental information or studies if new information is required to complete review of an application or if significant changes in the permit application are proposed. The Department may set deadlines for the submittal of supplemental information.

15.15.012 Pre-application meeting requests.

A. A pre-application meeting allows an applicant to get feedback and direction from city staff on a project concept prior to submitting a formal application for a land use or development permit. Pre-application meetings are intended to aid applicants in developing a complete application and project design that is consistent with applicable regulations.

Anyone can apply for a pre-application meeting for any development or land use proposal, however a pre-application meeting is required for projects that require one or more of the following approvals, unless a written waiver is granted by the Community Development Director or their designee:

1. Binding site plan;
2. Boundary line adjustment;
3. Rezone or site-specific Comprehensive Plan Amendment;
4. Conditional Use Permit;
5. Subdivision;
6. Master plan;
7. Shoreline conditional use, exemption, substantial development, or variance;
8. Floodplain development or variance;
9. Building or excavation and grading permit applications for projects that include any of the following situations:
    i. Required land use permits have not been completed;
    ii. Required SEPA environmental review has not been completed;
    iii. Over 5,000 sq. ft. of new or replaced impervious surface;
    iv. Disturbance of more than one (1) acre of land;
    v. Public street or public utility construction;
    vi. Construction of any building that is four (4) stories or more; or
    vii. Any project the Community Development Director determines to be similar in nature to those listed above.

15.15.014 Permit types and processes.

A. Development subject to review by the city is classified and processed using one of the five types of permit procedures listed in Subsection 15.15.014 (C)(1). The review processes for the types of permit review procedures are described in Subsection 15.15.014 (C)(2). If the code does not expressly provide for review according to one of the five types of permit review procedures, and another specific procedure is not required by law, the Department shall classify the application.

B. Purpose. The purpose of this section is to outline the procedure and time requirements for the various development and land use applications reviewed by the city. All development and land use applications are classified and processed according to one of five types of permit procedures, as identified in subsection 15.15.014 (C)(1) of this section.

C. Permit Procedures.

1. Permit Classifications.

Permit/Action	**Staff Contact**	**Decision Authority**	**Permit Type**				
			I	**II**	**III**	**IV**	**V**
Administrative Determination & Minor Modifications	Planning Division	Administrative	X	-	-	-	-
Binding Site Plan, Preliminary	Planning Division	Administrative	-	X	-	-	-
Binding Site Plan, Final	Planning Division	Administrative	X				
Boundary Line Adjustment	Planning Division	Administrative	X	-	-	-	-
Building Permit, SEPA Exempt	Building Division	Administrative	X	-	-	-	-
Building Permit, SEPA Required	Building Division	Administrative		X			
Comprehensive Plan Map (and Rezone) or Text Amendments	Planning Division	City Council	-	-	-	-	X
Conditional Use Permit	Planning Division	Hearing Examiner	-	-	X	-	-
Demolition Permit	Building Division	Administrative	X				
Design Review Only	Planning Division	Administrative	X	-	-	-	-

Permit/Action	Staff Contact	Decision Authority	Permit Type				
			I	II	III	IV	V
Development Agreement	Planning Division	City Council	-	-	-	-	X
Development Regulation Text Amendment	Planning Division	City Council	-	-	-	-	X
Environmental Review (SEPA)	Planning Division	Administrative	-	X	-	-	-
Excavation & Grading Permit, SEPA Exempt	Engineering Division	Administrative	X	-	-	-	-
Excavation & Grading Permit, SEPA Required	Engineering Division	Administrative		X			
Fire Permit	Building Division	Administrative	X				
Floodplain Development Permit	Planning Division	Administrative	X	-		-	-
Floodplain Variance	Planning Division	Hearing Examiner			X		
Landmark Designation	Planning Division	Administrative		X			

Permit/Action	**Staff Contact**	**Decision Authority**	**Permit Type**				
			I	**II**	**III**	**IV**	**V**
Long Plat, Preliminary	Planning Division	Hearing Examiner			X		
Long Plat, Final	Planning Division	Administrative	X				
Marijuana Permit	Building Division	Administrative	X				
Master Plan Approval	Planning Division	Hearing Examiner	-	-	X	-	-
Model Home Permit	Planning Division	Administrative	X				
Mural Permit	Planning Division	Administrative	X				
On-Site Sewage (Septic) Decommission	Engineering Division	Administrative	X				
Oversize / Overweight Vehicle Permit	Engineering Division	Administrative	X				
Planned Action Determination	Planning Division	Administrative	-	X	-	-	-
Planned Action Ordinance	Planning Division	City Council	-	-	-	-	X

Permit/Action	**Staff Contact**	**Decision Authority**	**Permit Type**				
			I	**II**	**III**	**IV**	**V**
Planned Residential Development (PRD), Preliminary	Planning Division	Hearing Examiner			X		
Planned Residential Development (PRD), Final	Planning Division	Administrative	X				
Right-of-Way / Access Permit	Engineering Division	Administrative	X				
Sewer Permit	Engineering Division	Administrative	X				
Shoreline Conditional Use Permit	Planning Division	Hearing Examiner	-	-	X	-	-
Shoreline Exemption	Planning Division	Administrative	X	-	-	-	-
Shoreline Substantial Development Permit	Planning Division	Administrative	-	X	-	-	-
Shoreline Variance	Planning Division	Hearing Examiner	-	-	X	-	-
Short Plat, Preliminary	Planning Division	Administrative	-	X	-	-	-

Permit/Action	Staff Contact	Decision Authority	Permit Type				
			I	II	III	IV	V
Short Plat, Final	Planning Division	Administrative	X	-		-	-
Sidewalk Use Permit (Sidewalk Cafes)	Planning Division	Administrative	X				
Sign Permit	Building Division	Administrative	X				
Street Vacation	Engineering Division	City Council	-	-	-	X	-
Temporary Homeless Encampment	Planning Division	Administrative	-	X	-	-	-
Temporary Use Permit	Planning Division	Administrative	-	X	-	-	-
Title Elimination	Building Division	Administrative	X				
Variance	Planning Division	Administrative	-	X		-	-
Zoning Verification Request	Planning Division	Administrative	X				
Zoning Waiver	Planning Division	Administrative	X	-	-	-	-

2. Permit Processes. Refer to Subsection 17.04.070 for public notice requirements.

	Type I	**Type II**	**Type III**	**Type IV**	**Type V**	**Annexations**
Pre-Application Meeting	See SWMC 15.15.012					Required, unless waived by director
Letter of Completeness	Required for land use actions only	Required	Required	Required	Required	No
Notice of Application	No	Required	Required	Required	Required for site-specific projects	See Chapter 35A.14 RCW
Notice of Public Hearing	Not applicable	Not applicable	Required	Required	Required	See Chapter 35A.14 RCW
Open Record Public Hearing	No	No	Yes, before hearing examiner to render final decision	Yes, before hearing examiner to make recommendation to city council	Yes, before planning commission to make recommendation to city council	See Chapter 35A.14 RCW
Recommendation Made By	Not applicable	Not applicable	Not applicable	Hearing examiner	Planning commission	See Chapter 35A.14 RCW

	Type I	Type II	Type III	Type IV	Type V	Annexations
Final Decision Made By	Director or designee	Director or designee	Hearing examiner	City council	City council	See Chapter 35A.14 RCW
Notice of Decision	Required unless exempt per Section 2.90.040	Required	Required	Required	Required	See Chapter 35A.14 RCW
Judicial Appeal	See SWMC 17.04.080					See Chapter 35A.14 RCW

D. General process for applications and decisions.

1. Pre-application Meeting.

a. Pre-application meetings generally.

i. A pre-application meeting may be required prior to formal submittal of a development application.

ii. Preapplication Recommended. A preapplication meeting is recommended for all other permit applications.

b. Purpose. The meeting is not intended to provide an exhaustive review of all potential issues. Pre-application review does not prevent or limit the city from applying all relevant laws at the time of application submittal. The purposes of a preapplication meeting are:

i. To acquaint an applicant with the requirements of the city's development regulations and other applicable laws.

ii. To provide an opportunity for the city to be acquainted with a proposed application prior to review of a formal application.

iii. To establish necessary future permit application submittals.

iv. To allow an applicant to submit a written request for a waiver from formal application submittal requirements which may be considered during or after a preapplication meeting.

2. Notices to Applicant. The applicant shall be advised of the date of acceptance of the application and of the environmental determination. The applicant shall be advised of the date of any public hearing at least ten calendar days prior to the public hearing.

3. Report by Department.

i. Report Content. When such application has been set for public hearing, if required, the Department shall coordinate and assemble the comments and recommendations of other city departments and government agencies having an interest in the subject application and shall prepare a report summarizing the factors involved and the Department findings and supportive recommendations.

ii. Report Timing. At least fourteen calendar days prior to the scheduled hearing, the report shall be filed with the examiner and copies thereof shall be transmitted to the applicant and shall be made available for use by any interested party for the cost of reproduction.

4. Public Hearing.

i. Hearing by Examiner Required. Before rendering a decision or recommendation on any application for which a public hearing is required, the examiner shall hold at least one public hearing thereon.

ii. Hearing by City Council Required. Before rendering a decision on any application for which a public hearing is required, the City Council shall hold at least one public hearing thereon.

iii. Hearing Rules. The examiner shall have the power to prescribe rules and regulations for the conduct of hearings under this chapter, subject to confirmation by the city council, and to administer oaths and preserve order.

iv. Closure/Continuation of Public Hearing. At the close of the testimony, the examiner may close the public hearing, continue the hearing to a certain time and date, or close the public hearing pending the submission of additional information on or before a certain date.

v. Application Dismissal. Until a final action on the application is taken, the examiner may dismiss the application for failure to diligently pursue the application after notice is given to all parties of record.

5. Examiner's Decision.

i. Standard Decision Time and Notification Procedure. Unless the time is extended pursuant to this section, within fourteen calendar days of the conclusion of a hearing, or the date set for submission of additional information pursuant to this chapter, the examiner shall render a written decision, including findings from the record and conclusions therefrom, and shall transmit a copy of such decision by regular mail, postage prepaid, to the planning department, to the applicant and to other parties of record in the case requesting notice of the decision. The person mailing the decision, together with the supporting documents, shall prepare an affidavit of mailing, in standard form, and the affidavit shall become a part of the record of the proceedings. In the case of applications requiring city council approval, the examiner shall file his decision with the city council at the expiration of the appeal period for the decision.

ii. Decision Time Extension. In extraordinary cases, the time for filing of the recommendation or decision of the examiner may be extended for not more than thirty calendar days after the conclusion of the hearing if the examiner finds that the amount and nature of the evidence to be considered, or receipt of additional information which cannot be made available within the normal decision period, requires the extension. Notice of the extension, stating the reasons, shall be forwarded to all parties of record in the manner set forth in this section for notification of the examiner's decision.

iii. Conditions. The examiner's recommendation or decision may be to grant or deny the application, or the examiner may require of the applicant such conditions, modifications and restrictions as the examiner finds necessary to make the application compatible with its environment and carry out the objectives and goals of the comprehensive plan, the zoning regulations, the subdivision regulations, the codes and ordinances of the city of Sedro-Woolley, and the approved preliminary plat, if applicable. Conditions, modifications, and restrictions which may be imposed are, but are not limited to, additional setbacks, screenings in the form of landscaping and fencing, covenants, easements, and dedications of additional road rights-of-way. Performance bonds may be required to ensure compliance with the conditions, modifications, and restrictions.

iv. Reconsideration of Examiner's Decision. Any interested person who believes that the decision of the examiner is based on an erroneous procedure, errors of law or fact, error in judgment, or the discovery of new evidence which could not be reasonably available at the prior hearing may make a written application for review by the examiner within fourteen calendar days after the written decision of the examiner has been rendered or within fourteen calendar days of the publication of decision, if required. The application shall set forth the specific errors relied upon by such appellant, and the examiner may, after review of the record, take further action as the examiner deems proper. The examiner may request further information which shall be provided within ten calendar days of the request. The examiner's written decision on the request for consideration shall be transmitted to all parties of record within ten calendar days of receipt of the application for reconsideration or receipt of the additional information requested, whichever is later.

v. Expiration of Large-Scale or Phased Projects. For large-scale or phased development projects, the examiner may at the time of approval or recommendation set forth time limits for expiration which exceed those prescribed in this section for such extended time limits as are justified by the record of the action.

6. Council Action.

i. Council Action Requires Minutes and Findings of Fact. Any application requiring action by the city council shall be evidenced by minute entry unless otherwise required by law. When taking any such final action, the council shall make and enter findings of fact from the record and conclusions therefrom which support its action.

ii. Adoption of Planning Commission or Examiner's Findings and Conclusions Presumed. Unless otherwise specified, the City Council shall be presumed to have adopted the Planning Commission's or Examiner's findings and conclusions.

iii. Applications to Be Placed on Council Agenda. Except for rezones and development regulation amendments, which are included in comprehensive plan update dockets, all applications requiring council action shall be placed on the council's agenda for consideration.

15.15.020 Permit Application Review and Expiration.

A. The time limitations set in Table 15.15.020 (D) dictate the maximum time allotted for staff review and applicant response for permit applications. The time limitation established for staff review is not concurrent with the time limitation established for applicant response.

B. The time limitations set in Table 15.15.020 (D) shall begin at the time of complete application for both staff and the applicant. The application shall be reviewed for completeness under the provisions of Section 15.15.010. The determination of a complete application does not preclude staff from requesting additional information as necessary to complete review.

C. The following permit applications have been identified as typically requiring a substantially longer processing time and are exempt from the staff review time limitations established in SWMC 15.15.020 (D):

1. Comprehensive plan amendments with or without any other associated land use application such as a rezone;

2. Sedro-Woolley Municipal Code amendments;

3. Annexations;

4. Planned residential developments;

5. Development agreements;

6. Environmental impact statements (EIS);

7. Temporary emergency wetland permits;

8. Declared emergencies under SEPA;

9. Street vacations;

10. Any project once it is appealed to the hearing examiner and/or city council;

11. Any project once it becomes the subject of a petition under the Land Use Petition Act;

D. Permit deadlines (in calendar days, months, or years).

Permit/Action	**Permit Deadlines**		
	Application Expiration	**Staff Review** Deadline	**Issued Permit** Expiration
Administrative Determination	Unresponsive for 3 Months	100 Days	N/A
Annexation	Unresponsive for 1 Year	N/A	N/A
Binding Site Plan, Preliminary	Unresponsive for 6 Months	100 Days	3 Years
Binding Site Plan, Final	Unresponsive for 6 Months	65 Days	N/A
Boundary Line Adjustment	Unresponsive for 3 Months	65 Days	N/A
Building Permit, SEPA Exempt	Unresponsive for 6 Months	100 Days	2 Years
Building Permit, SEPA Required	Unresponsive for 6 Months	100 Days	2 Years
Comprehensive Plan Map (and Rezone) or Text Amendments	Unresponsive for 1 Year	N/A	N/A
Conditional Use Permit	Unresponsive for 6 Months	170 Days	See SWMC 17.56.050
Demolition Permit	Unresponsive for 3 Months	100 Days	6 Months
Design Review Only	Unresponsive for 3 Months	65 Days	1 Year

Permit/Action	Permit Deadlines		
	Application Expiration	Staff Review Deadline	Issued Permit Expiration
Development Agreement	N/A	N/A	N/A
Development Regulation Text Amendment	Unresponsive for 1 Year	N/A	N/A
Environmental Review (SEPA)	Unresponsive for 6 Months	100 Days	1 Year
Excavation & Grading Permit, SEPA Exempt	Unresponsive for 6 Months	100 Days	1 Year
Excavation & Grading Permit, SEPA Required	Unresponsive for 6 Months	100 Days	1 Year
Fire Permit	Unresponsive for 6 Months	170 Days	1 Year
Floodplain Development Permit	Unresponsive for 6 Months	65 Days	2 Years
Floodplain Variance	Unresponsive for 6 Months	170 Days	3 Years
Landmark Designation	Unresponsive for 6 Months	N/A	N/A
Long Plat, Preliminary	Unresponsive for 6 Months	170 Days	5 Years
Long Plat, Final	Unresponsive for 6 Months	65 Days	N/A

Permit/Action	Permit Deadlines		
	Application Expiration	Staff Review Deadline	Issued Permit Expiration
Marijuana Permit	Unresponsive for 6 Months	170 Days	1 Year
Master Plan Approval	Unresponsive for 6 Months	170 Days	N/A
Model Home Permit	Unresponsive for 3 Months	65 Days	See SWMC 17.98.070
Mural Permit	Unresponsive for 3 Months	65 Days	1 Year
On-Site Sewage (Septic) Decommission	Unresponsive for 3 Months	65 Days	6 Months
Oversize / Overweight Vehicle Permit	Unresponsive for 3 Months	65 Days	3 Months
Planned Action Determination	Unresponsive for 6 Months	100 Days	6 Months
Planned Action Ordinance	Unresponsive for 1 Year	170 Days	N/A
Planned Residential Development (PRD), Preliminary	Unresponsive for 6 Months	N/A	5 Years
Planned Residential Development (PRD), Final	Unresponsive for 6 Months	65 Days	N/A
Right-of-Way / Access Permit	Unresponsive for 3 Months	65 Days	3 Months

Permit/Action	Permit Deadlines		
	Application Expiration	**Staff Review** Deadline	**Issued Permit** Expiration
Sewer Permit	Unresponsive for 3 Months	65 Days	6 Months
Shoreline Conditional Use Permit	Unresponsive for 6 Months	170 Days	5 Years
Shoreline Exemption	Unresponsive for 6 Months	65 Days	N/A
Shoreline Substantial Development Permit	Unresponsive for 6 Months	100 Days	5 Years
Shoreline Variance	Unresponsive for 6 Months	170 Days	5 Years
Short Plat, Preliminary	Unresponsive for 6 Months	100 Days	3 Years
Short Plat, Final	Unresponsive for 6 Months	65 Days	N/A
Sidewalk Use Permit (Sidewalk cafes)	Unresponsive for 3 Months	65 Days	1 Year
Sign Permit	Unresponsive for 6 Months	100 Days	2 Years
Street Vacation	Unresponsive for 1 Year	N/A	N/A
Temporary Homeless Encampment	Unresponsive for 6 Months	100 Days	6 Months

Permit/Action	Permit Deadlines		
	Application Expiration	**Staff Review** Deadline	**Issued Permit** Expiration
Temporary Use Permit	Unresponsive for 3 Months	65 Days	6 Months
Title Elimination	Unresponsive for 3 Months	65 Days	N/A
Variance	Unresponsive for 6 Months	100 Days	See SWMC 17.60.040
Zoning Verification Request	Unresponsive for 3 Months	65 Days	N/A
Zoning Waiver	Unresponsive for 6 Months	65 Days	See SWMC 17.60.040

15.15.032 Vested Rights Provisions.

A. Vesting of a permit application is a legal doctrine whereby a valid and fully complete permit application for a proposal that is permitted under the zoning or other land use control ordinance in effect on the date of the permit application shall be considered under the development, zoning, or other land use controls in effect on the date of such valid and fully complete permit application.

1. Supplemental information required after acceptance shall not affect the viability of the vest for such application.

2. Revisions requested by an applicant to a vested, but not yet approved, application shall be deemed a new permit application when such revisions result in a substantial change in the basic site design plan, intensity, density, and the like, involving a change of ten percent (10%) or more in area or scale. Vesting for the new permit application or project shall occur upon the date of submission of valid and fully complete revisions for the changed proposal.

B. Permit applications, as defined by SWMC 17.04.030, not considered part of a project are vested on the date of complete application.

C. Permit applications, as defined by SWMC 17.04.030, considered a part of a project are vested on the following date:

1. Projects that include land use approval (short subdivision, long subdivision, planned residential development, binding site plan, conditional use permit, rezone, accessory dwelling unit permit, temporary use permit, planned action, zoning waiver, zoning variance, etc.) are vested on the date the initial land use permit application is determined complete.

2. Projects that do not include land use approval but do include an excavation and grading permit are vested on the date of complete excavation and grading permit application.

3. Projects that do not include land use approval or an excavation and grading permit but do include a building permit are vested on the date of complete building permit application.

4. Projects that do not include land use approval, an excavation and grading permit, or a building permit are vested on the date of complete application for the initial permit application.

D. The following provisions are not vested at the time of complete application:

1. Permitting, review, inspection, impact, and general facility connection fees do not vest at the time of complete application. Such fees shall be assessed at the time of permit issuance.

2. Ordinances implementing a state or federal mandate.

3. Ordinances necessary to protect the public health and safety.

4. Procedural regulations.

15.15.042 Permit Applications and Permits – Expiration Date Extension.

A. Permit applications shall not be extended. Applicants who fail to respond to a notice within fourteen calendar days from the Department stating the permit application is unresponsive are required to submit new application materials. Refer to SWMC 15.15.020 (C) for expirations of permit applications.

B. Issued permits may be extended under the following provisions:

1. Building permit. Building permits may be extended by the Building Official, or their designee, according the following provisions:

a. Building permits expired for six months or longer may not be extended. A new permit application shall be filed, and payment of all fees is required.

b. Building permits expired for less than six months for which work is not complete may be extended a single time. The permit applicant shall pay a building permit renewal fee.

c. Building permits expired for less than six months and only requiring a final inspection may be extended a single time. The permit applicant shall pay a final inspection fee.

d. Building permits not yet expired may have the expiration date extended by no more than six months if the Building Official finds that a written request from the permit applicant sufficiently demonstrates extenuating circumstances beyond the control of the permit applicant.

2. Administrative land use permits. Administrative land use permits (short subdivision, binding site plan, accessory dwelling unit permit, temporary use permit, zoning waiver, zoning variance, etc.) may be extended by the Director, according to the following provisions:

a. Land use permits not yet expired may have its expiration date extended by no more than one year if the Director finds that a written request from the permit applicant sufficiently demonstrates extenuating circumstances beyond the control of the permit applicant.

b. Land use permits that have expired shall not be renewed. A new land use permit application shall be filed, and payment of all fees is required.

3. Non-administrative land use permit. Non-administrative land use permits (long subdivisions, planned residential developments, conditional use permits, rezones, etc.) shall not be extended past the expiration date unless otherwise determined by the decision authority.

4. All other permits. All other permits not yet expired may have the expiration date extended by no more than six months if the responsible decision authority finds that a written request from the permit applicant sufficiently demonstrates extenuating circumstances beyond the control of the permit applicant.

15.15.100 Fees.

The fees for projects regulated by this Title shall be assessed as designated in the current city of Sedro-Woolley Master Fee Schedule, as adopted by resolution of the city council and on file with the city clerk.

Chapter 15.56
CONCURRENCY MANAGEMENT SYSTEM

Sections:

15.56.030 Facility and services concurrency required.

[...]

B. All development approvals shall include a finding as to the application of this chapter, and those approvals for which concurrency improvements or strategies are required under this chapter shall be expressly conditioned thereon. If a proposed development would cause the level of service to decline below adopted level of service standards of an affected facility or service, the proposed development may nonetheless be approved if the administrative official finds that an improvement will be completed or a strategy will be implemented that will result in meeting adopted level of service standards of all affected concurrency facilities or services at the time of development, or that a financial commitment is in place to complete the improvement or implement the strategy within six years. The finding required under this subsection shall be valid for a period equal to the duration of the approval for which it was made, but in no case longer than five years, except pursuant to Section 15.56.070(C). Such finding may be appealed as established in this chapter and Chapter ~~2.90~~17.04 of the SWMC.

[...]

15.56.070 Concurrency test.

[...]

C. Test. Development applications that would result in a reduction of a level of service below the established minimum level of service standard cannot be approved. For potable water, electric utilities, sanitary sewer, solid waste and stormwater management only available capacity, or that capacity that can be provided prior to the actual use of the facility will be used in conducting the concurrency test.

1. If the capacity of concurrency facilities or services is equal to or greater than the capacity required to maintain the level of service standard for the impact from the development application, the concurrency test is passed. A certificate of capacity will be issued according to the provisions of this chapter.

2. If the capacity of concurrency facilities is less than the capacity required to maintain the level of service standard for the impact from the development application, the concurrency test is not passed. The applicant may:

a. Accept ninety-day reservation of concurrency facilities that exist and modify the application to reduce the need of concurrency facilities that do not exist;

b. Accept ninety-day reservation of concurrency facilities that exist and demonstrate to the service provider's satisfaction that the development will have a lower need for capacity than usual and, therefore, capacity is adequate;

c. Accept ninety-day reservation of concurrency facilities that exist and arrange with the service provider for the provision of the additional capacity of concurrency facilities required;

d. Accept ninety-day reservation of concurrency and demonstrate to the service provider's satisfaction, that improvements and infrastructure required to provide the necessary level of service in conformance with the requirements of this chapter in place or identified in the capital facilities plan are fully funded;

e. Appeal the results of the concurrency test to the planning commission in accordance with the provisions of Section 15.56.110 of this chapter and Chapter 17.04~~2.90~~ of the Sedro-Woolley Municipal Code.

[...]

15.56.110 Concurrency test a~~A~~ppeals.

The applicant, city, service provider, or a citizen may appeal the results of the concurrency test based on three grounds:~~ (A)~~

A. ~~a~~ A technical error;~~ (B)~~

B. ~~the~~ The applicant provided alternative data or a mitigation plan that was rejected by the city; or ~~(C)~~

C. ~~unwarranted~~ Unwarranted delay in review that allowed capacity to be given to another applicant.

The applicant must file a notice of appeal with the ~~planning department~~Community Development Department within fifteen calendar days of the notification of the test results pursuant to Chapter ~~2.90.~~17.04 of the Sedro-Woolley Municipal Code. Upon filing of such appeal, the ~~planning d~~Community Development Department shall notify the appropriate facility and service provider(s).

[...]

Chapter 15.64
IMPACT FEES FOR SCHOOL FACILITIES

Sections:

[...]

15.64.080 School impact fee ~~A~~appeals.

A. Any fee payer may pay the impact fees imposed by this chapter under protest in order to obtain the development approval and/or a building permit. Appeals regarding the impact fees imposed on any development activity may only be taken by the fee payer of the property where such development activity will occur. No appeals shall be permitted unless and until the impact fees at issue have been paid. SWMC Chapter ~~2.90~~17.04 shall govern the appeal process, to the extent applicable.

[...]

L. Upon such written notice of appeal being filed within the time period allotted, a hearing shall be held by the city council. Such hearing shall be held in accordance with SWMC Chapter ~~2.90~~15.15 and the following appeal procedures:

1. The responsible official or other designee (the "respondent(s)") shall present a summary of the findings, conclusions and decision, as well as the alleged errors forming the basis of the appeal.

2. The appellant(s) and the respondent(s) to the appeal shall have the opportunity to present oral arguments before the council; provided that, the appellants may reserve a portion of their time for rebuttal. Such oral argument shall be confined to the record and to any alleged errors therein or to any allegation of irregularities in procedure before the hearing examiner. The council may request additional information from any staff member or party, or any factual information from members of the audience at its discretion. Such additional information shall be part of the record.

3. If the council finds that:

   a. The hearing examiner's findings or decision contains substantial error;

   b. The hearing examiner's proceedings were materially affected by irregularities in procedure;

   c. The hearing examiner's decision was unsupported by substantial evidence in view of the entire record as submitted; or

   d. The hearing examiner's decision is in conflict with the city's adopted plans, policies and ordinances, it may remand for further hearing before the hearing examiner or may reserve the hearing examiner's decision. In addition, the council may choose to modify the hearing examiner's decision based on the above criteria. Furthermore, any matter may be continued to a time certain for additional city staff analysis desired by the council, before a final determination by the council. If the council requests additional staff analysis the appellant shall be provided a copy and afforded reasonable time to review the analysis and respond to the council before final determination by the council.

4. If the council determines that there is no basis for the alleged errors set forth in the appeal, it may adopt the findings of the hearing examiner and accept the decision of the hearing examiner.

[...]

Title 16
SUBDIVISIONS

Chapters:

Chapter 16.04
GENERAL PROVISIONS

Sections:

16.04.030 Definitions.

[...]

F. "Short subdivision" is the division or redivision of land into ~~four~~ nine or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership.

[...]

N. "Hearing body" is the decision making body specified in Chapter ~~2.90~~15.15, unless otherwise specified herein.

[...]

Chapter 16.08
SUBDIVISIONS

Sections:

Subchapter I. Preliminary Plat Process

Subchapter II. Preliminary Plat Consideration

Subchapter III. Review of Final Plat

Subchapter IV. Reserved Land

Subchapter V. Survey Requirements

Subchapter VI. Design and Construction Standards

Subchapter I. Preliminary Plat Process

16.08.016 Application.

[...]

C. Applications shall be processed according to the procedures set forth in Chapter ~~2.90~~15.15, and the additional procedures established in this subchapter and state law.

D. Applications for the division of land shall be processed within the time limitations of Chapter ~~2.90~~15.15, and Chapters 43.21C and 36.70B RCW.

[...]

16.08.024 Review and approval.

A. Pursuant to Chapter ~~2.90~~15.15, the hearing body shall conduct the public hearing; review the preliminary plat for conformance with the minimum standards of this chapter and Chapter 58.17 RCW; approve on condition, disapprove, or cause the public hearing to be continued.

[...]

Chapter 16.12
SHORT PLATS*

Sections:

* Prior ordinance history: Ord. 1450.

16.12.010 Filing of application.

A. Official filing of an application with the director for a short plat, to divide or redivide land situated within the city into ~~four~~ nine or fewer lots for the purpose of sale or lease, transfer of ownership, development or financing, shall be preceded by a preliminary review of the proposed division by the director and the city engineer at a meeting attended by the applicant.

[...]

C. Applications shall be processed according to the procedures set forth in Chapter ~~2.90~~15.15 SWMC, and the additional procedures established in this subchapter, city ordinances and state law.

D. Applications for short plats of land shall be processed within the time limitations of SWMC ~~2.90~~15.15, RCW Ch. 43.21C, and RCW Chapter 36.70B.

[...]

16.12.050 Planning director's decision.

If the planning director determines that the requirements of this chapter are met, or may be met upon compliance with specified conditions, the planning director shall inform the applicant in written findings of the decision to approve the application and the conditions of the approval, if any, and may return the proposed short plat to the applicant for modification or correction. When the planning director has determined that: (A) the short plat contains the certificates, dedication instruments and statements of approval required by state law and this chapter, (B) the short plat and all legal descriptions are technically correct, and (C) the planning director determines that the short plat qualifies for approval or approval with conditions, the director shall notify the applicant and provide for all notices required by Chapter ~~2.90~~17.04 for administrative short plat approvals. If no person or party requests an open record hearing before the hearing body within the time allowed by Chapter ~~2.90~~15.15, the short plat shall be formally approved without further hearing. Preliminary short plat approval is valid for three years unless extended by the following procedure. As allowed by RCW 58.17.140, an applicant who files a written request at least thirty calendar days before the expiration of the three-year period shall be granted one one-year extension upon showing that the applicant has attempted in good faith to submit the short plat for final approval within the three-year period. Approval of the extension may contain additional conditions and requirements for the preliminary short plat.

Exception: Land use and development approvals shall be granted a one-time, three-year economic hardship extension from the original date of expiration if the approval was set to expire between January 1, 2008, and December 31, 2011.

[...]

16.12.055 Hearing body decision.

Any party that wishes to appeal the planning director's decision regarding standards and improvement requirements of Section 16.12.030(C) may petition for an open record hearing before the hearing examiner. Notice of the petition for hearing shall be provided to all parties entitled to notice under Chapter ~~2.90~~17.04. The hearing examiner shall have the powers and duties of the director, and may approve the short plat and/or variance, approve with conditions, or deny the short plat application.

[...]

Chapter 16.28
BINDING SITE PLAN

Sections:

16.28.020 Review procedures—Preliminary binding site plan.

The general binding site plan (preliminary binding site plan) shall be processed as a Type II land use permit under Chapter ~~2.90~~15.15. The approval for improvements and finalization of specific individual lots (final binding site plan) shall be done by administrative approval as a Type I land use permit under Chapter ~~2.90~~15.15.

[...]

16.28.040 Final review—Recording—Revisions.

A. Final Binding Site Plan Review. After approval of the preliminary binding site plan, and within the time limits set forth in Chapter ~~2.90~~15.15, the applicant shall submit a final binding site plan and supplementary materials as required under Section 16.28.060(B). The planning director, building official and city engineer, in consultation with appropriate city staff, shall:

1. Inspect the detail and computation of the final binding site plan for compliance with the specifications and standards of this chapter;

2. Inspect the final binding site for compliance with the preliminary binding site plan approved by the city and the conditions made a part of that approval;

3. Determine either that all required improvements have been installed in accordance with these regulations or that certain improvements may properly be deferred as per Section 16.28.030;

4. The mayor, planning director, building official, and city engineer shall signify approval by signing the original mylar copy of the final plan.

[...]

Title 17
ZONING

Chapters:

Chapter 17.04
ADMINISTRATIVE PROVISIONS

Sections:

17.04.010 Purpose.

The purpose of this title is to implement the city's comprehensive plan, thus to encourage the most appropriate use of land throughout the municipality; to lessen traffic congestion and accidents; to secure safety from fire; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to promote a coordinated development of the unbuilt areas; to encourage the formation of neighborhood or community units; to secure an appropriate allotment of land area in new developments for all the requirements of community life; to conserve and restore natural beauty and other natural resources; to encourage and protect access to direct sunlight for solar energy systems; and to facilitate the adequate provision of transportation, water, sewerage, and other public uses and requirements. (Ord. 1013 § 1.01, 1985)

17.04.020 Jurisdiction.

The zones depicted on the zoning map attached to and forming a part of this title, on file in the office of the city clerk-treasurer and the regulations pertaining thereto, and the regulations pertaining to all zones are established as minimum standards for meeting the purpose of this title. No structure shall be erected, moved, reconstructed, altered or used, and no land shall be used or built upon, except as provided herein. (Ord. 1013 § 1.02, 1985)

17.04.030 Definitions.

The following terms used in Title 15, 16, and 17 SWMC are defined below:

A. Definitions A.

1. "Accessory" means subordinate and incidental to, typically associated with, and located on the same ownership. Private garages attached to or within the residence shall adhere to the setback requirement of the residence. In all cases, there shall be a minimum off-street parking apron of twenty feet in length directly in front of all garage door entrances when accessing a street either to the front or side of a residence. Where garage doors access an alley, the off-street parking apron shall be at least ten feet; accessory structures shall not contain any habitable space or room.

2. "Accessory dwelling unit" (ADU) means a smaller, secondary residential unit on the same lot as a primary dwelling. ADUs are independently habitable, clearly subordinate to the primary dwelling, and provide the basic requirements of shelter, heating, cooking, and sanitation. An ADU is separated from the existing house by detachment, or if attached, by solid wall construction. There are two types of ADUs:

a. Garden cottages are detached structures. Examples include converted garages or new construction.

b. Accessory suites are attached to or part of the primary dwelling. Examples include converted living space, attached garages, basements or attics, additions, or a combination thereof.

3. "Action: Environmental review procedures, use only" means the following:

a. "Actions" include, as further specified below:

i. New and continuing activities (including projects and programs) entirely or partly financed, assisted, conducted, regulated, licensed, or approved by agencies;

ii. New or revised agency rules, regulations, plans policies, or procedures; and

iii. Legislative proposals.

b. "Actions" fall within one of two categories:

i. Project Actions. A project action involves a decision on a specific project, such as a construction or management activity located in a defined geographic area. Projects include and are limited to agency decisions to:

(A) License, fund, or undertake any activity that will directly modify the environment, Whether the activity will be conducted by the agency, an applicant, or under contract.

(B) Purchase, sell, lease, transfer, or exchange natural resources, including publicly owned land whether or not the environment is directly modified.

ii. Non-Project Actions. Non-project actions involve decisions on policies, plans, or programs such as:

(A) The adoption of amendment on legislation, ordinances, rules, or regulations that contain standards controlling use or modification of the environment;

(B) The adoption or amendment of comprehensive land use plans or zoning ordinances;

(C) The adoption of any policy, plan or program that will govern the development of a series of connected actions (WAC 197-11-060), but not including any policy, plan, or program for which approval must be obtained from any federal agency prior to implementations;

(D) Creation of a district or annexations to any city, town or district;

(E) Capital budgets; and

(F) Road, street, and highway plans.

c. "Actions" do not include the activities listed above when an agency is not involved. Actions do not include bringing judicial or administrative civil or criminal enforcement actions (certain categorical exemptions in Chapter 2.88 identify in more detail governmental activities that would not have any environmental impacts and for which SEPA review is not required).

4. "Administrative authority" means the Community Development Director and/or the Public Works Director of the City of Sedro-Woolley, or his/her duly authorized representative or agent.

5. "Adult entertainment" means any enterprise from which minors are excluded and which sells, rents or displays sexually explicit matter, including but not limited to adult bookstores, adult magazine stores, stores selling sexually oriented adult games or devices, adult motion picture theaters, adult peep shows, establishments where nude or topless dancing or specified sexual activities or displays regularly occur or other business.

6. "Adult or family day care facilities" means a daytime facility for an adult who needs some level of care but does not need the level of care provided by an RN or rehabilitative therapist. Facilities may provide services such as personal care, social services and activities, education, routine health monitoring, general therapeutic activities, meals, coordination of transportation, first aid and emergency care.

7. "Affidavit of installation of public information sign" means a notarized statement signed by the applicant of applicant's representative attesting that the required public information sign(s) has been installed in accordance with city code requirements.

8. "Alcohol production establishment" means a business involved with the manufacturing, bottling, warehousing, and distribution of alcoholic beverages, excluding alcohol serving establishments and specifically including breweries, distilleries and wineries. Food and/or alcoholic beverage service may be allowed accessory to such establishments.

9. "Alcohol serving establishment" means a business licensed to allow on-premises consumption of liquor, wine or beer where the sale and on-premises consumption of said product is the prime source (more than fifty percent) of revenue for the

premises. It is not meant to include restaurants where food is prepared and served on the premises and where the sale of liquor, wine or beer is incidental to and not the prime source of revenue for the premises.

10. “Annexation, ten percent notice of intent” means a petition form, supplied by the city, containing the signatures of property owners as identified in Skagit County assessor’s records as taxpayers of record for properties representing at least ten percent of the assessed valuation for the areas proposed for annexation. Information requested on the form includes the signatures of all identified taxpayers of record, the date of signing, a mailing address, and property identification number of each parcel. Petitions must conform to RCW 35A.01.040.

11. “Annexation, sixty percent petition” means a petition form, supplied by the city, containing the signatures of property owners as identified in Skagit County assessor’s records as taxpayers of record for properties representing at least sixty percent of the assessed valuation for the areas proposed for annexation. Information requested on the form includes the signatures of all identified taxpayers of record, the date of signing, a mailing address, and property identification number of each parcel. Petitions must conform with RCW 35A.01.040.

12. “Applicant” means a property owner, a contractor hired to complete work associated with a permit application (or a portion thereof), an agent or firm representing the property owner, or a permit expeditor – a person or firm hired to usher the permit through the process. When the applicant is not the sole owner of the relevant real property, written consent from the property owner(s) must accompany a permit application.

13. “Applicant agreement statement” means a signed notarized statement indicating that:

a. The applicant agrees to allow for the potential collocation of additional wireless communication facility equipment by other providers on the applicant’s structure or within the same site location; and

b. That the applicant agrees to remove the facility within six months after that site’s use is discontinued or if the facility falls into disrepair, and restore the site to its pre-existing condition. If there are two or more users of a single wireless communication facility (WCF), then this provision shall not become effective until all users cease using the WCF.

14. “Application fee” means the appropriate processing fee as required by the Sedro-Woolley Municipal Code.

15. “Application form” means the Community Development Department form required for the type of work to be performed (e.g., grading permit application for grading work, sign permit application for installation of a sign, etc.). Information requested includes the following:

a. Skagit tax assessor’s number for the property;

b. Legal description of property;

c. Street address, if applicable;

d. Property owner’s name, address and phone number;

e. Prime contractor’s business name, address, phone number, current state contractor registration number;

f. Either the name, address and phone number of the lender administering the interim construction financing, if any, or the name and address of the firm that has issued a payment bond, if any, on behalf of the prime contractor for the protection of the owner, if the bond is for an amount fifty percent or more than the total construction project;

g. Site area;

h. Area of impervious surface;

i. Description of work;

j. Preliminary cost estimate;

k. If applicable, water meter size; and

l. other site information.

16. “Approved testing agency” means an agency, as determined by the Washington Association of Building Officials, whose purpose is to provide special building inspection(s).

17. “Architectural plans, commercial, industrial, attached dwellings with three or more units” means a twenty-four-inch by thirty-six-inch plan prepared by an architect licensed in the state of Washington (unless project exempted by WAC 18-04-410) drawn at a scale of one-eighth inch equals one foot or one-fourth inch equals one foot, or other size or scale approved by the building official, clearly indicating the information required by the permits section of the currently adopted International Building Code and Chapter 19.27 RCW (State Building Code Act, Statewide amendments), or electronic equivalent, including, but not limited to, the following:

a. General building layout, both existing and proposed—indicate square footage of rooms, use of each room or area, window and door size and ventilation, opening headers, plumbing, ducting, and electrical layout, including penetration protection, IBC occupancy group, and IBC type of construction;

b. Cross section details, as needed, to show typical foundation, floor, wall, ceiling and roof construction; structural members labeled as to size and spacing; bracing, blocking, bridging, special connectors, anchor bolts; insulation of walls, floors and roof/ceiling;

c. Details of stairs, fireplaces and special construction, if any;

d. Skagit County health department approval on plans submitted to the city for dining/food-handling establishments;

e. Skagit County health department approval on plans submitted to the city for public pools/spas;

f. Independent plan review by the State of Washington Labor and Industries Electrical Division for I and E occupancies;

g. Asbestos assessment by the for interior demolition; and

h. Independent review by State Department of Health for hospitals.

18. “Architectural plans, detached dwellings, semi-attached dwellings, and two attached dwellings” means an eighteen-inch by twenty-four-inch, minimum, plan drawn at a scale of one-fourth inch equals one foot, or other size or scale approved by the building official, clearly indicating the information required by the permits section of the currently adopted International

Building Code and Chapter 19.27 RCW (State Building Code Act, Statewide amendments), or electronic equivalent, including, but not limited to, the following:

a. General building layout and room use;

b. Window and door size and window ventilation area;

c. Plumbing, duct, and electrical layout;

d. Opening headers, size and material;

e. Cross section details, as needed, to show typical foundation, floor, wall, ceiling and roof construction, including connection details;

f. Structural members labeled as to size and spacing as well as bracing, blocking, bridging, special connectors, and anchor bolts;

g. Special details as needed, (i.e., stairs, fireplaces, special construction); and

h. Insulation of walls, slab, floors, and roof/ceiling.

19. “Area” means total horizontal area. “Lot area” for purposes of calculating buildable area shall not include:

a. The area encompassed in flag driveways to a property set back from a private or public drive, street or road;

b. Easements for ingress and/or egress; or

c. Easements for gas or power transmission lines.

B. Definitions “B”

1. “Building” means an enclosed structure capable of being heated. This word shall always be considered as being followed by the phrase “or portion thereof.”

C. Definitions “C”

1. “Calculations, survey” means a compilation prepared by a state of Washington licensed land surveyor clearly indicating the dimensions of the boundaries and the closures for each lot, parcel, tract, and block in the plat, short plat, lot line, binding site plan, or lot line adjustment—an approved printed computer plot closure or demonstrated mathematical plot closure on all lots, streets, alleys and boundaries.

2. “Central business district core” means that area bounded to the north by the Cascade Trail, to the east by Puget Avenue/Fourth Avenue, to the south by the alley between State and Warner Streets, and to the west by the railroad right-of-way. Also included in the central business district core are properties zoned central business district that front Metcalf, Ferry, West Ferry, State, and West State Streets.

3. “Child day care centers” provide temporary care of children as defined by the State Department of Social and Health Services, preschool or nursery school.

4. “City” means the City of Sedro-Woolley, Washington.

5. “Collective garden” means the growing, production, processing, transportation, and delivery of cannabis, by qualifying patients, for medical use, as set forth in Chapter 69.51A RCW, and subject to the following conditions:

a. No more than ten qualifying patients may participate in a single collective garden at any time;

b. A collective garden may contain no more than fifteen plants per patient up to a total of forty-five plants;

c. A collective garden may contain no more than twenty-four ounces of usable cannabis per patient up to a total of seventy-two ounces of usable cannabis;

d. A copy of each qualifying patient’s valid documentation, including a copy of the patient’s proof of identity, must be available at all times on the premises of the collective garden;

e. No usable cannabis from the collective garden is delivered to anyone other than one of the qualifying patients participating in the collective garden;

f. A collective garden may contain separate areas for growing, processing, and delivering to its qualified patients; provided, that these separate areas must be physically part of the same premises, and located on the same parcel or lot. A location utilized solely for the purpose of distributing cannabis shall not be considered a collective garden;

g. No more than one collective garden may be established on a single tax parcel; and

h. A collective garden may not be located within five hundred feet of the perimeter of the grounds of any elementary or secondary school.

i. With the exception of one address sign, signage is prohibited.

6. "Colored display maps" means full-size plan sheets of each of the following maps colored with a wide tip marker in order to clearly define the site's outer property boundary, the area of new construction and/or proposed new lot lines (dashed), existing buildings, landscaping areas, and adjacent street names for use in presenting the project at public hearing and/or to the environmental review committee.

a. Neighborhood detail map;

b. Site plan;

c. Landscaping plan; and

d. Elevations.

7. "Commerce" means trade in goods and/or services excluding industry.

8. "Conditional use" means a use allowed only by conditional use permit in a particular zone, including uses accessory to the conditional use.

9. “Conditional use permit justification” means a written description/justification setting forth the reasons in favor of the application and addressing the criteria listed in Section 17.56.060, Conditional use permits.

10. “Construction mitigation description” means a written narrative addressing each of the following:

a. Proposed construction dates (begin and end dates);

b. Hours of operation;

c. Proposed hauling/transportation routes;

d. Measures to be implemented to minimize dust, traffic and transportation impacts, erosion, mud, noise, and other noxious characteristics;

e. Any specialty hours proposed for construction or hauling (i.e., weekends, late nights); and

f. Preliminary traffic control plan.

11. “Coordinated local zoning” is zoning which permits off-site treatment and storage facilities in one jurisdiction to serve the off-site facility needs of other jurisdictions; provided, the coordinated zoning is documented by signed agreements between all affected jurisdictions.

12. “Corner lot” means a lot with frontage on more than one public right-of-way, excluding alleys.

13. “Covenants, draft” means a proposed, unrecorded written agreement promising performance or nonperformance of certain acts or stipulating certain uses or non-uses of property to be binding upon current and future property owners, including the legal description of that area of property to be encumbered.

14. “Covenants, existing” means the recorded limitation on property which may be set forth in the property deed and/or identified in a title report.

D. Definitions “D”.

1. “Decision authority” means the responsible review authority associated with approving, approving with conditions, or denying a development or land use permit application.

2. “Deeds (draft) to city for any land to be dedicated” means a legal document proposing to convey ownership of real property and including a legal description of the area to be dedicated.

3. “Department” means the City of Sedro-Woolley Community Development Department.

4. “Dependent relative cottage” means a single-family residence which:

   a. Is located on the same lot as another single-family residence;

   b. Is inhabited only by the relative of the other single-family residence which relative is only able to safely maintain a separate household due to the support or supervisory care of family members in close proximity;

   c. Is designed for ease of removal, dismantling, or conversion to an accessory use after termination of use as a dependent relative cottage; and

   d. Meets the setback requirements for an accessory building.

5. “Development” means the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance and any use or extension of the use of land.

6. “Director” means the director of the Community Development Department or their designee, unless otherwise explicitly stated in this Chapter.

7. “Drainage plan” means the plan for receiving, handling, transporting surface water within the subject property.

8. “Drainage plan/map” means plans drawn to scale and stamped by a state of Washington licensed engineer and complying with the requirements of the 2005 Department of Ecology’s Storm Water Management Manual for Western Washington.

9. “Drainage report” means a report stamped by a state of Washington licensed engineer complying with the requirements of the 2005 Department of Ecology’s Storm Water Management Manual for Western Washington.

10. “Duplex” means a building containing two dwelling units. A duplex must be built on site and consists of one structure with two residential units. The units must be connected by a common wall or a carport. Duplex units should be constructed with a compatible design and materials to the surrounding neighborhood. In addition, in the instance where a duplex unit is created by the addition of another unit to an existing unit, the new unit must be compatible with the design and materials of the existing unit.

11. “Dwelling unit” means a building or buildings providing complete housekeeping facilities including bathroom and kitchen for one household only, excluding recreational vehicles, trailers, boat, prisons and medical care facilities.

E. Definitions “E”

1. “Easements, existing” means a recorded document by the property owner granting one or more privileges to use the owner’s land to and/or for the use by the public, a corporation or another person or entity. Easements may be referenced by property deed and are identified in the property title report.

2. “Easements, proposed” means a draft document, including proposed legal description, listing to whom and for what specific purpose or purposes the easement is to be granted.

3. “Elevations, architectural” means a twenty-four-inch by thirty-six-inch fully dimensioned architectural elevation plan drawn at a scale of one-fourth inch equals one foot or one-eighth inch equals one foot (or other size or scale approved by the building official) clearly indicating the information required by the permits section of the currently adopted International Building Code and Chapter 19.27 RCW (State Building Code Act, Statewide Amendments), or electronic equivalent, including, but not limited to, the following:

a. Existing and proposed ground elevations;

b. Existing average grade level underneath proposed structure;

c. Height of existing and proposed structures showing finished roof-top elevations based upon site elevations for proposed structures and any existing/abutting structures;

d. Building materials and colors including roof, walls, any wireless communication facilities, and enclosures;

e. Fence or retaining wall materials, colors, and architectural design;

f. Architectural design of on-site lighting fixtures; and

g. Cross-section of roof showing location and height of roof-top equipment (include air conditioners, compressors, etc.,) and proposed screening.

4. "Encampment management responsibility plan" means a written plan addressing the criteria listed in Section 17.110.020, Application for temporary homeless encampment permit.

5. "Energy Code checklist, nonresidential" means the standard Washington State Energy Office form requesting the information required under Chapter 51-11 WAC detailing building components to be used to comply with the State Nonresidential Energy Code.

6. "Energy Code checklist, residential" means the standard Washington State Energy Office form requesting the information required under Chapter 51-11 WAC or city-provided form detailing building components to be used to comply with the State Residential Energy Code.

7. "Engineering geologist" means a licensed geologist who is experienced and knowledgeable in engineering geology.

8. "Engineering geology" means the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.

9. "Engineering geology report" means a report that includes an adequate description of the geology of the site, conclusions, and recommendations regarding the effect of geologic conditions on the proposed development.

10. “Environmental checklist” means the standard state of Washington form required under WAC 197-11-742 and 197-11-960.

11. “Erosion control plan, temporary” means drawings of the entire site showing the proposed erosion control measures for the project in conformance with the city of Sedro-Woolley drafting standards (or as approved by the public works department) and 2005 Department of Ecology’s Storm Water Management Manual for Western Washington as adopted by the city of Sedro-Woolley.

12. “Essential public facility (EPF)” means any public facility or facilities owned or operated by a unit of local or state government, public or private utility, transportation company or an other entity that provides a public service as its primary mission, and is difficult to site. EPFs include those facilities listed in RCW 36.70A.200. EPFs include, but are not limited to, those facilities which are difficult to site, such as airports, state educational facilities, state and regional transportation facilities, state and local correctional facilities, solid waste handling facilities power generation or communications facilities, in-patient facilities (including substance abuse facilities, mental health facilities and group home facilities not classified as single-family residences) and secure community transition facilities as defined in this section. For the purposes of Chapter 17.88, animal shelters housing more than fifty animals at any one time and hazardous waste storage/disposal/processing/handling facilities shall be reviewed as EPFs.

F. Definitions “F”

1. “Fence” means a linear structure or controlled plant growth more than three feet high, the primary purpose of which is to enclose, divide or screen.

2. “Final plat plan” means the final plat or final short subdivision map which shall be drawn to a scale of not less than one inch representing one hundred feet unless otherwise approved by the department, and on sheets eighteen inches by twenty-four inches. The original reproducible drawing shall be in black ink on stabilized drafting film, and shall:

   a. Include the date, title, name and location of subdivision, graphic scale, and north arrow.

   b. Include names, locations, widths and other dimensions of existing and proposed streets, alleys, easements, parks, open spaces and reservations.

c. Include lot lines with all property lines dimensioned and square footage of each lot.

d. Include location, dimensions, and square footage of any existing structures to remain within or abutting the plat.

e. Include location of existing conditions (such as wetlands, steep slopes, watercourses, floodplains) on or adjacent to the site which could hinder development.

f. Include reservations, restrictive covenants, easements (including easement language), and any areas to be dedicated to public use, with notes stating their purpose and any limitations. If a new easement is created on the plat, it must show the grantee of the easement rights. If the grantee is the city, a statement of easement provisions reserving, granting and conveying the easement, with a description of the rights and purposes, needs to be made on the plat.

g. Include the lot and block numbering scheme and lot addresses on the plat map. Street names and addresses shall be determined by the department.

h. Contain data sufficient to determine readily and reproduce on the ground the location, bearing, and length of every street, easement line, lot line, boundary line and block line on site. Shall include dimensions to the nearest one-hundredth of a foot and angles and bearings in degrees, minutes, and seconds.

i. Include coordinates per city surveying standards for permanent control monuments.

j. Display all interior permanent control monuments located per city surveying standards.

k. Be mathematically correct.

l. Contain a legal description of the land to be subdivided on the final mylar.

m. Include certifications:

  i. Certification showing that streets, rights-of-way and all sites for public use have been dedicated.

ii. Certification by a licensed land surveyor that a survey has been made and that monuments and stakes will be set.

iii. Certification by the responsible health agencies that the methods of sewage disposal and water service are acceptable.

iv. Certification by the Skagit County finance department that taxes have been paid in accordance with Section 1, Chapter No. 188, Laws of 1927 (RCW 58.08.030 and 58.08.040) and that a deposit has been made with the Skagit County finance department in sufficient amount to pay the taxes for the following year.

v. Certification by the city finance department that there are no delinquent special assessments and that all special assessments certified to the city treasurer for collection on any property herein contained dedicated for streets, alleys or other public uses are paid in full.

vi. Certification of approval to be signed by the planning director.

vii. Certification of approval to be signed by the mayor and attested by the city clerk.

3. Flood Hazard Data. "Flood hazard data" includes:

a. Plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing, or electronic equivalent;

b. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;

c. Elevation in relation to mean sea level to which any structure has been floodproofed;

d. Certification by a registered professional engineer or architect that the floodproofing methods criteria in Chapter 17.66 are met.

e. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

4. “Floor area” means combined area of all floors of a building measuring from the exterior faces of the exterior walls, excluding spaces lacking standing headroom. Common open areas in shopping malls are excluded for the purpose of computing required off-street parking.

5. “Floor plans, general” means a basic line drawing plan of the general building layout showing walls, exits, windows, and designated uses indicating the proposed locations of kitchens, baths and floor drains, bedrooms and living areas, with sufficient detail for city staff to determine if an oil/water separator or grease interceptor is required and to determine sizing of side sewer.

G. Definitions “G”

1. “Grading plan” means a twenty-two-inch by thirty-four-inch plan drawn by a state of Washington licensed landscape architect at a scale of one inch to forty feet (horizontal feet) and one inch to ten feet (vertical feet) or other size plan sheet or scale approved by the Community Development Department, or electronic equivalent, clearly indicating the following:

a. Graphic scale and north arrow;

b. Dimensions of all property lines, easements, and abutting streets;

c. Location and dimension of all on-site structures and the location of any structures within fifteen feet of the subject property or which may be affected by the proposed work;

d. Accurate existing and proposed contour lines drawn at five-foot, or less, intervals showing existing ground and details of terrain and area drainage to include surrounding off-site contours within one hundred feet of the site;

e. Location of natural drainage systems, including perennial and intermittent streams, the presence of bordering vegetation, and flood plains;

f. Setback areas and any areas not to be disturbed;

g. Finished contours drawn at five-foot intervals as a result of grading;

h. Proposed drainage channels and related construction with associated underground storm lines sized and connections shown; and

i. General notes addressing the following (may be listed on cover sheet):

i. Area in square feet of the entire property.

ii. Area of work in square feet.

iii. Both the number of tons and cubic yards of soil to be added, removed, or relocated.

iv. Type and location of fill origin, and destination of any soil to be removed from site.

v. Finished floor elevation(s) of all structures, existing and proposed.

2. "Gross density" means the total number of dwelling units located on a parcel of land divided by the total area of the parcel.

3. "Group home" means a building providing lodging to four or more persons unrelated to the principal residing family, excluding multifamily residences, "hotels" (defined as commercial buildings providing lodging for ten or more persons on a transient basis), "hospitals" (defined as medical care facilities whose patients are partly or entirely nonresidents thereof), and institutions of involuntary detention. This definition includes, among other things, boardinghouses and bed and breakfast establishments. "Adult or family day care" and "child day care" facilities are not included under the group home definition. "Adult or family day care facilities" means a daytime facility for an adult who needs some level of care but does not need the level of care provided by an RN or rehabilitative therapist. Facilities may provide services such as personal care, social services and activities, education, routine health monitoring, general therapeutic activities, meals, coordination of transportation, first aid and emergency care. "Child day care centers" provide temporary care of children as defined by the State Department of Social and Health Services, preschool or nursery school.

H. Definitions "H"

1. “Hazardous waste” means all dangerous waste (DW) and extremely hazardous waste (EHW) as defined in RCW 70.105.010.

2. “Hazardous waste storage” means the holding of dangerous waste for a temporary period as regulated by the state of Washington dangerous waste regulations, Chapter 173-303 WAC. (Hazardous waste treatment and storage facilities are facilities that require an interim or final status permit from the Department of Ecology under dangerous waste regulations, Chapter 173-303 WAC.)

3. “Hazardous waste treatment” means the physical, chemical, or biological processing of dangerous waste to make wastes nondangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume.

4. Hearing Examiner. The hearing examiner is appointed by the mayor of the city to conduct public hearings on applications outlined in the city ordinance that creates the hearing examiner, and prepares a record, findings of fact, and conclusions on such applications.

5. “Heat loss calculation” means a State of Washington Energy Code mandated analysis performed to determine the heat loss of a structure in order to determine the size of the required heating equipment.

6. “Height” (of a structure) means ~~the vertical distance between the average elevation of the finished ground surface along the entire perimeter of a structure and the average height of the highest roof structure.~~the greatest vertical distance from the established grade plan to the height of the highest roof surface.

7. “Home occupation” means a gainful occupation carried on in a residence in which:

   a. No outside help is employed on the premises;

   b. The business utilizes no more than twenty-five percent of the gross floor area of the structure in which it is located;

   c. There are no more than two additional vehicles parked on or in the vicinity of the property due to the business at any one time;

d. There are no more than twelve clients or customers visiting per week and there are not more than two clients on the premises at any one time;

e. No work areas or storage of materials are visible from off the premises, nor other exterior indication given of anything other than a residence;

f. No nuisance is created beyond what would normally be expected in a residential area.

8. “Hospital” means a medical care facility whose patients are partly or entirely nonresidents thereof, and institutions of involuntary detention (not including prisons).

9. “Hotel” means a commercial building (or buildings) providing lodging for ten or more persons on a transient basis.

I. Definitions “I”

1. “Industry” means any and all steps in the gainful making of goods where substantial retail contact is unnecessary (excluding low-intensity agriculture) and the gainful provision of services which create nuisances beyond the customary traffic, runoff, signs, and other such impacts normally associated with commercial uses. This definition includes, among other things, factories, mills, nonretail bakeries, high-intensity agriculture, wrecking yards, fuel distributors, cement processing, storage yards for heavy equipment and massive construction materials, and heavy equipment repair. This definition may or may not include, depending on individual characteristics, automotive repair, warehousing, transportation facilities, lumberyards, public utilities, feed/seed/grain stores and research facilities.

2. “In-home rental” means a one-bedroom rental unit contained within a single-family residential structure, which shares an entrance to the residence in common with the primary portion of the residence, does not occupy more than twenty-five percent of the residential space of the residence, and which shares a kitchen or bathroom in common with the primary portion of the residence.

3. “Installer certification” means Washington State Department of Community, Trade and Economic Development (CTED) approval given to those contractors authorized to install manufactured homes and designated by a state-registration number.

J. Definitions "J"

K. Definitions "K"

1. "Kennel" is defined in Section 6.04.030.

L. Definitions "L"

1. "Land use permit conditions" means environmental or land use permit requirements which may have been placed upon the project in addition to any code-mandated requirements in conjunction with a required environmental determination and/or a land use permit. Examples of land use permits include site plan review, conditional use permits and variances.

2. "Light manufacturing" means any manufacturing activity that does not create noise, smoke, odors or any other nuisance that can be detected from outside the building.

3. "List of current property owners and residents" means a listing of all current property owners and residents and their mailing addresses and Skagit County assessor's account numbers within five hundred feet of the boundaries of the subject site as obtained from a title company or the Skagit County assessor's office. The list shall include a notarized statement from the applicant attesting that the ownership information provided is current and accurate. "Current" shall mean obtained within the past thirty days unless otherwise approved by the Community Development Department.

4. "Loading dock" means a portion of a structure where vehicles carrying goods may load and/or unload shipments directly into the structure. A loading dock may be flush with the building envelope or completely enclosed. In residential and mixed-use developments, loading docks shall be designed to be accessible by mail carriers and couriers.

5. "Loading facility" means an on-site designated location designed for the loading and unloading of passengers and/or goods. This may include, but is not limited to, loading docks for shipments via truck or parking stalls designated as loading zones within a parking lot.

6. "Loading zone" means an off-street parking stall designated for the use of loading or unloading passengers and/or goods. Loading zones appear as a traditional parking stall but are regulated by signage that establishes a time limit and indicates the use of the parking stall for loading or unloading passengers and/or goods.

7. “Lot” means a contiguous quantity of land under one ownership, with fixed boundaries, which can legally be bought and sold separately from other lands.

8. “Lot width at building line” means the distance between side lot lines, defined as the two lot lines most nearly perpendicular to the street on which the lot fronts; provided, that:

a. On corner lots measurement shall be along the shorter of the two front setback lines;

b. Where the front setback line is not straight, measurement shall be in a straight line connecting the ends of the line;

c. Easements for ingress and/or egress shall not count towards lot width at building line; and

d. Easements for gas or power transmission lines shall not count towards lot width at building line.

9. “Low-intensity agriculture” means the production, raising or keeping of any form of crops, ornamental plants or animals; provided, that any animal, excluding household pets such as dogs and cats, such as horses, cattle, hogs, pigs, goats, sheep, bovine animals, chickens, fowl or any other animals, poultry or fowl, shall not be raised, kept or maintained on a lot or ownership of less than forty thousand square feet, except as permitted under Chapter 6.20.

M. Definitions “M”

1. “Mailing envelopes” means postage-paid, addressed envelopes including the name, mailing address, and Skagit County assessor’s account numbers (optional) for all property owners and residents within five hundred feet of the boundaries of the subject site.

2. “Map of existing site conditions” means a plan drawn at the same scale as, or combined with, the grading plan or topography map showing existing topographical or five-foot contours or less, and structural and natural features, or electronic equivalent. The plan shall include major trees, shrubs, large rocks, creeks and watersheds, floodplains, buildings, roadways and trails.

3. “Mechanical plans” means plans as required per the International Mechanical Code (IMC) and section 1141 of the currently adopted Washington State Energy Code (WSEC) along with Washington State amendments.

4. “Mobile home” means a prefabricated dwelling unit transportable in one or more sections, which in the traveling mode is eight feet or more in width and forty body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. Mobile homes must meet the requirements of HUD or the State Department of Labor and Industries.

5. “Mobile home park” means an ownership on which more than one mobile home is located and intended for occupancy.

6. “Monument card” means a form provided by the city and filled out by a surveyor providing information regarding a single monument, including the section, township and range, method of location, type of mark found or set, manner of re-establishment of the single monument (if applicable), description, and a drawing showing the location of a single monument and indicating a reference point to that monument.

7. “Multifamily residence” means a building containing more than one dwelling unit, also including apartments in the sense of dwelling units contained within a building primarily used for nonresidential purposes, though there may only be one dwelling unit in such building.

8. “Multiuse stormwater facility” means a facility that incorporates underground infiltration or otherwise contains no standing water for a period of at least nine months per year, has side slopes of no steeper than 4:1, and is used as common open space or as play areas defined in Chapter 17.38, as approved by the city engineer.

N. Definitions “N”

1. “Neighborhood detail map” means a map, drawn at a scale of one inch equals one hundred feet or one inch equals two hundred feet (or other scale approved by the Community Development Department), or electronic equivalent. The map shall show the location of the subject site relative to the property boundaries of the surrounding parcels within approximately one thousand feet or approximately two thousand five hundred feet for properties over five acres and identifying the subject site with a darker perimeter line than that of surrounding properties. The map shall also show the property’s lot lines, existing

land uses, building outlines, city boundaries of the city of Sedro-Woolley (if applicable), north arrow (oriented to the top of the plan sheet), graphic scale used for the map, and street names for all streets shown.

2. “Net density” means the number of dwelling units located on buildable land; which excludes public rights-of-way, private access easements, driveways, or tracts, utility corridors, stormwater facilities, critical areas and their buffers, and other areas which are unbuildable. Seventy-five percent of multiuse stormwater facilities may be counted towards total buildable area.

3. “Nuisance” means any use or neglect in maintenance of land or structures which has unreasonably annoying, unpleasant, unsafe or unsanitary effects on neighbors or the public in general, including noise, air pollution, water pollution, runoff, odors, glare, unsightliness, vibration, electrical disturbance, vermin infestation, attractive nuisances, fire or explosion hazard, and obstruction or endangering of public ways as defined in Chapter 8.16.

O. Definitions “O”

1. “Office” means a building where work of a professional, consulting, clerical, administrative or information-processing nature is the primary use, excluding banking and lending institutions, including among other things:

   a. Doctors, lawyers, engineers, etc.;

   b. Advertising consultants, counselors, designers, secretarial services, etc.;

   c. Brokerages where the brokered good is not tangibly present, such as real estate, insurance, travel, etc.; and

   d. The administrative branch of a larger organization.

2. “Off-site treatment and storage facilities”* means off-site facilities which treat and store hazardous wastes from generators on properties other than those on which the off-site facilities are located.

3. “On-site treatment and storage facilities”* means on-site facilities which treat and store hazardous wastes generated on the same parcel of property where the on-site facility or facilities are located.

* Hazardous waste treatment and storage facilities are facilities that require an interim or final status permit from the Department of Ecology under dangerous waste regulations, Chapter 173-303 WAC.

4. "Open-air vending" means any commercial activity in which goods or services are advertised and which is conducted without the complete or partial shelter of a building on the same ownership, including such activities which, though conducted on the same ownership as an indoor commercial activity, are dissimilar to said indoor commercial activity.

5. "Ownership" means a lot or group of contiguous lots under the ownership.

P. Definitions "P"

1. "Parking, lot coverage, landscaping analysis" means a listing of the following information (may also be included on the first sheet of the site plan):

a. Total square footage of the site;

b. Total square footage of existing area(s) of impervious surfacing;

c. Total square footage of existing natural/undeveloped area;

d. Square footage (by floor and overall total) of each individual building and/or use;

e. Total square footage of the footprints of all buildings;

f. Percentage of lot covered by buildings or structures;

g. Total pavement square footage, both existing pavement to remain plus new pavement proposed to be installed;

h. Square footage of any on-site wetlands;

i. Parking analysis to include the total number of parking spaces required and provided, number of compact and ADA accessible spaces provided, and parking space dimensions;

j. Square footage of landscaping for each area, for interior parking lot landscaping, and total;

k. Allowable and proposed building height;

l. Building setbacks required by code; and

m. Proposed building setbacks.

2. "Permanent affordable housing" means housing, regardless of ownership, for which there is a legally binding, recorded document in effect that limits the price at which the owner may sell or restricts the occupancy of the unit to a qualified, low-income household, for a period of at least forty years for a property used for shelter or rental housing, or for a period of at least twenty-five years for a property to be owned by a low-income household. These documents include, but are not limited to, affordability covenants, deed restrictions, and community land trust leases. Resale restrictions exercised by providers of permanently affordable housing can include, but are not limited to:

a. Continuous ownership of land by a public entity or nonprofit housing provider with a lease allowing ownership of the structure by an income-eligible household;

b. A nonpossessory interest or right in real property, such as a deed restriction, restrictive covenant, resale restriction, or other contractual agreement, that ensures affordability.

3. "Permit" means a legally binding document expressing the approval and satisfaction of code requirements for a land use or development approval. A permit has no outstanding fees and has received approval from the decision authority.

4. "Permit application" means an application form and supporting documentation requesting approval from the City of Sedro-Woolley for a development or land use proposal. A permit application is pending payment of all permit fees (unless a deferral has been approved by the Community Development Director or their designee) and/or approval from the decision authority.

5. "Permitted use" means a use permitted within a zone, including uses accessory to the permitted use.

6. “Personal services” means a business providing services to clients such as beauty salons, which generally have not more than two clients on the premises at any given time.

7. “Planned action” is defined in WAC 197-11-164 as one or more types of project action that has had significant environmental impacts adequately addressed in an environmental impact statement (EIS) prepared in conjunction with the comprehensive plan, subarea plan, fully contained community, a master planned resort, a master planned development or a phased project.

   a. A project action addressed in a planned action does not require an environmental checklist or threshold determination, but may require the checklist for review to mitigate environmental impacts through the site plan review process.

   b. To qualify, a project action shall:

      i. Be subsequent to or implementing projects in a comprehensive plan, subarea plan, fully contained community, a master planned resort, a master planned development or a phased project;

      ii. Be located within the city’s adopted urban growth areas;

      iii. Be consistent with the comprehensive plan;

      iv. Not be an essential public facility, as defined in RCW 36.70A.200.

   c. The city council shall designate and approve by ordinance a planned action. The ordinance:

      i. Shall describe the type(s) of project action being designated as a planned action;

      ii. Shall describe how the planned action meets the criteria in subsection (2) of this definition, including specific references to the EIS;

      iii. Shall include findings that the environmental impacts have been identified and adequately addressed in the EIS, subject to project review under WAC 197-11-172;

iv. Should identify any specific mitigation measures other than applicable development regulations that must be applied to a project for it to qualify as a planned action.

d. The planned action may be limited to certain types of development, to specific geographical areas of the city, and/or a time period identified in the EIS, plan, ordinance or resolution.

e. Review of a project proposed as a planned action is intended to be simpler and more focused than for other projects. Review of the project shall include:

i. Verification that it meets the description and implements any applicable conditions or mitigation measures identified in the designating ordinance or resolution;

ii. Verification that the proposed significant adverse environmental impacts of the project have been adequately addressed in the EIS.

8. "Plat certificate" means a document prepared by a title insurance company documenting the ownership and title of all interested parties in the plat, subdivision, or dedication and listing all encumbrances. In the case of a final plat, the certificate shall be dated within forty-five days prior to the granting of the final plat by the city council.

9. "Plumbing plan" means plans as required by the currently adopted Uniform Plumbing Code (UPC) and state amendments.

10. "Preliminary plat or binding site plan" means a plan, with a two-inch border on the left edge and one-half-inch on all other sides, prepared by a state of Washington registered land surveyor in accordance with RCW 18.43.020 and/or Chapter 58.17 RCW, fully dimensioned, drawn at a scale of one inch equals forty feet on an eighteen-inch by twenty-four-inch plan sheet (or other size or scale approved by the planning department) and shall include the following:

a. Name of the proposed preliminary plat or binding site plan (and space for the future city file numbers).

b. Names and addresses of the engineer, licensed land surveyor, and all property owners.

c. Legal description of the property to be subdivided.

d. Date, graphic scale, and north arrow oriented to the top of the paper/plan sheet.

e. Vicinity map (a reduced version of the neighborhood detail map as defined above).

f. Drawing of the subject property with all existing and proposed property lines dimensioned. Lots designated by number within the area of the lot. Tracts shall be similarly designated and each tract shall be clearly identified with the ownership and purpose. Indicate the required yards (setbacks) with dashed lines.

g. Location of the subject site with respect to the nearest street intersections (including intersections opposite the subject property), alleys and other rights-of-way.

h. Names, locations, types, widths and other dimensions of existing and proposed streets, alleys, easements, parks, open spaces and reservations.

i. Location, distances from existing and new lot lines, and dimensions of any existing and proposed structures, existing on-site trees, existing or proposed fencing or retaining walls, freestanding signs, and easements.

j. Location of existing conditions on or adjacent to the site which could hinder development.

k. Flood hazard information and boundary on the subdivision drawing including the nature, location, dimensions, and elevations of the subdivided area.

l. A legend listing the following included on the first sheet of the preliminary plat plan:

  i. Total area in acres;

  ii. Proposed number of lots;

  iii. Zoning of the subject site;

  iv. Proposed square footage in each lot; and

v. Percentage of land in streets and open space.

m. Access and Utilities. Indicate how the proposed subdivision will be served by streets and utilities, show how access will be provided to all lots, and the location of sewer and water lines.

n. Contours and Elevations. Shall include contour and/or elevations (at five-foot vertical intervals minimum) to the extent necessary to accurately predict drainage characteristics of the property. Approximate, estimated contour lines shall be extended at least one hundred feet beyond the boundaries of the proposed plat.

o. Zoning. Shall indicate the zoning applicable to the land to be platted, subdivided or dedicated and of the land adjacent and contiguous.

11. "Processing" means the operations of making or treating a product. Processing of hazardous materials or processing activities that result in the production of hazardous materials are not included under this definition.

12. "Project" means a series of more than one permit application submitted for a single development proposal on a single parcel, or on more than one adjacent parcel, that are owned by the same owner or are otherwise reasonably related as determined by the Community Development Director or their designee. Permits issued more than five years prior to submittal of a subsequent permit application are considered a separate "project" for the purposes of this Chapter.

13. "Project information sheet" means an eight and one-half-inch by eleven-inch sheet of paper, or electronic equivalent, listing the following information:

a. Job address;

b. Property owner's name;

c. Skagit County tax assessor's number;

d. Legal description of property.

14. "Project narrative" means a clear and concise description and summary of the proposed project, including the following:

a. Project name, size and location of site;

b. Zoning designation of the site and adjacent properties;

c. Current use of the site and any existing improvements;

d. Special site features (i.e., wetlands, water bodies, steep slopes);

e. Statement addressing soil type and drainage conditions;

f. Proposed use of the property and scope of the proposed development (i.e., height, square footage, lot coverage, parking, access, etc.);

g. Proposed off-site improvements (i.e., installation of sidewalks, fire hydrants, sewer main, etc.);

h. Total estimated construction cost and estimated fair market value of the proposed project;

i. Estimated quantities and type of materials involved if any fill or excavation is proposed;

j. Number, type and size of trees to be removed;

k. Explanation of any land to be dedicated to the city; and

l. For shoreline applications only:

- i. Name of adjacent water area or wetlands;

- ii. Nature of existing shoreline—describe:

  - (A) Type of shoreline (i.e., lake, stream, lagoon, marsh, bog, floodplain, floodway);

(B) Type of beach (i.e., accretion, erosion, high bank-low bank);

(C) Type of material (i.e., sand, gravel, mud, clay, rock, riprap); and

(D) The extent and type of any bulkheading; and

iii. The number and location of structures and/or residential units (existing and potential) which might have views obstructed as a result of the proposed project; and

m. The proposed number, size, and density of the new lots, for subdivision applications only.

15. "Professional office" means an office primarily offering services or licensed business guaranteed by a licensing agency or board.

16. "Proposal description" means a complete, unabridged copy of the proposal (i.e., draft ordinance, resolution, plan or policy) and all attachments.

17. "Proposal summary" means a concise description of the scope, intent and timing of the proposal.

18. "Public use" means a use carried on by a government agency or its authorized representative.

19. "Public works approval letter" means written confirmation from the public works department that all required improvements have been substantially installed or deferred and authorizing the submittal of the final plat, final short plat, final binding site plan, or final PRD application.

Q. Definitions "Q"

1. "Quasi-public use" means a use which serves nonprofit, social or religious ends, such as churches, clubhouses, private schools and nonpublic social service organizations.

R. Definitions "R"

1. “Recreational vehicle” means a motor vehicle designed to also serve as a temporary living quarter.

2. “Rezone justification” means a written statement and other information provided by the applicant to support the rezone which may include, but is not limited to: letters, photographs, site development plans, market research reports, and land use maps indicating in a clear and concise manner why the rezone application should be granted and that the rezone request is timely.

3. “Roadway construction plans” means plans prepared by a state of Washington licensed civil engineer as detailed by the document City of Sedro-Woolley Public Works Department Standards.

S. Definitions “S”

1. “Screening detail, refuse/recycling” means a detailed plan drawing, prepared to scale, showing location within property boundaries, heights, elevations, and building materials of proposed screening or of proposed plantings, or electronic equivalent.

2. “Secure community transition facility (SCTF)” means, under RCW 71.09.020, a residential facility for persons civilly committed and conditionally released to a less restrictive alternative under Chapter 71.09 RCW. A secure community transition facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. Secure community transition facilities include but are not limited to the facility established pursuant to RCW 71.09.250 and any community-based facilities established under this chapter and operated by the Washington State Secretary of Social and Health Services or under contract with the Secretary. For the purposes of Chapter 17.88, SCTFs also include supervised or unsupervised, private or publicly owned re-entry housing, work-release housing, half-way housing or any such housing with the primary purpose or use being the lodging of occupants who have been convicted of a felony.

3. “Setback” means the shortest horizontal distance between a lot line and the exterior surface of any building, fence or other significant sight-obscuring structure located on such lot; provided, that:

   a. If the lot line lies within a proposed public right-of-way or proposed widening thereof as designated in the comprehensive plan, as determined by reference to the functional categorization of streets and right-of-way width standards for each, then the setback shall be measured from the revised lot line that would result from such new right-of way or widening thereof.

b. The following protrusions shall be considered exempt from setback requirements to a maximum of three feet:

i. Eaves;

ii. Bay windows;

iii. Chimneys and fireplaces;

iv. Unenclosed, uncovered porches, terraces, landings or steps;

v. Other incidental components in conformance with the intent of this definition.

4. “Setback, front” means the setback from any lot line adjoining a public street right-of-way. Corner lots have two front lot lines.

5. “Setback, side” means the setback from the two lot lines most nearly perpendicular to the streets on which the lot fronts. Corner lots have two side lot lines. In the case of irregularly shaped lots with more than four sides, all lot lines other than the front and rear shall be considered side lot lines.

6. “Setback, rear” means the setback from the lot line most distant from and parallel to the street on which the lot fronts. Corner lots have no rear lot line. In the case of irregularly shaped lots with more than four sides, the zoning administrator shall designate a rear lot line which conforms to the intent of these definitions.

7. “Shipping container” means any and all land/sea shipping containers or similar structures.

8. “Short plat or binding site plan map, final” means a plan, with a two-inch border on the left edge and one-half inch on all other sides, prepared by a state of Washington registered land surveyor in accordance with RCW 18.43.010 and/or Chapter 58.17 RCW, fully dimensioned, drawn at a scale of one inch equals forty feet on eighteen-inch by twenty-four-inch plan sheet(s) (or other scale approved by the Community Development Director). The reproducible original shall be in black ink on stabilized drafting film and shall include the following:

a. Name and location of the short plat or binding site plan;

b. Space reserved for "city of Sedro-Woolley file number" (large type) at top of first sheet;

c. Legal description of the property;

d. Date, graphic scale, and north arrow;

e. Vicinity map (a reduced version of the "neighborhood detail map" as defined above);

f. Names, locations, widths and other dimensions of existing and proposed streets, alleys, easements, parks, open spaces and reservations. Shall show all utilities, streets, existing and new easements and associated covenants within or abutting the short plat. If a new easement is created on the plat, it must show grantee of easement rights. If the grantee is the city, a statement of easement provisions reserving and conveying the easement, with a description of the rights and purposes, needs to be made on the short plat;

g. Lots designated by number within the area of the lot. Tracts shall be similarly designated and each tract shall be clearly identified with the ownership and purpose. Lot lines with all property lines dimensioned and square footage of each lot;

h. Lot numbers;

i. Addresses for each lot and new street names determined by the department;

j. Reservations, restrictive covenants, easements and any areas to be dedicated to public use with notes stating their purpose, and any limitations, and identifying the grantee. If the grantee is the city, a statement of provisions reserving, granting and/or conveying the area with a description of the rights and purposes must be shown;

k. Coordinates per city surveying standards for permanent control monuments;

l. All interior permanent control monuments located per city surveying standards;

m. Statement of equipment and procedure used per WAC 332-130-100;

n. Basis for bearing per WAC 332-130-150(1)(b)(iii);

o. Date the existing monuments were visited per WAC 332-103-050(1)(f)(iv);

p. Verification that permanent markers are set at corners of the proposed lots;

q. Statement of discrepancies, if any, between bearing and distances of record and those measured or calculated;

r. Location, dimensions and square footage of any existing structures to remain within or abutting the plat;

s. Location of existing conditions (such as wetlands, steep slopes, watercourses) on or adjacent to the site which could hinder development;

t. Reference to all agreements or covenants required as a condition of approval;

u. For binding site plans only: provisions requiring site development to be in conformity with the approved binding site plan;

v. Certifications by:

   i. A state of Washington licensed land surveyor that a survey has been made and that monuments and stakes have been set;

   ii. The Skagit County department of health that the proposed septic system(s) is acceptable to serve the plat if not served by sewer;

w. Signature and date line for:

   i. All property owners (signatures must be notarized with an ink stamp);

   ii. The Skagit County assessor;

iii. The city of Sedro-Woolley city clerk-treasurer with the following text preceding: “There are no delinquent special assessments and any special assessments for any dedicated property herein contained have been paid in full”; and

iv. The city engineer.

9. “Short plat map, preliminary” means a fully dimensioned plan, drawn at a scale of one inch equals forty feet on an eighteen-inch by twenty-four-inch plan sheet (or other size or scale approved by the Community Development Director), or electronic equivalent, and including the following information:

a. Name of the proposed short plat (and space for the future city file number);

b. Names and addresses of the engineer, licensed land surveyor, and all property owners;

c. Legal description of the property;

d. Date, graphic scale, and north arrow oriented to the top of the paper/plan sheet;

e. Vicinity map (a reduced version of the “neighborhood detail map” as defined above);

f. A drawing of the subject property with all existing and proposed property lines dimensioned, indicating the required yards (setbacks) with dashed lines;

g. Location of the subject site with respect to the nearest street intersections (including intersections opposite the subject property), alleys and other rights-of-way, showing how access will be provided to all lots;

h. Names, locations, widths and other dimensions of existing and proposed streets, alleys, easements, parks, open spaces and reservations;

i. Contours and elevations at minimum five-foot vertical intervals to the extent necessary to predict drainage characteristics of the property. Approximate, estimated contour lines shall be extended at least one hundred feet beyond the boundaries of the proposed short plat;

j. Location and dimensions of any existing and proposed structures, existing on-site trees, existing or proposed fencing or retaining walls, freestanding signs, and easements;

k. Location of existing conditions on or adjacent to the site which could hinder development;

l. Flood hazard information and boundary on the subdivision drawing including the nature, location, dimensions, and elevations of the subdivided area; and

m. A legend listing the following included on the first sheet of the short plat plan:

i. Short plat;

ii. Proposed number of lots;

iii. Zoning of the subject site;

iv. Proposed square footage in each lot; and

v. Proposed square footage of land in streets and open space.

10. "Short-term rental" means a lodging use, other than a hotel or motel, in which a dwelling unit or portion thereof is provided to guests by a short-term rental operator for a fee for fewer than thirty consecutive nights. A dwelling unit or portion thereof that is used by the same individual or individuals for thirty or more consecutive nights is not a short-term rental.

11. "Sidewalk cafe" means a private dining area or gathering space that is located on the sidewalk in front of a business. A sidewalk cafe serves as an outdoor extension of the business into the public right-of-way and may include fencing no more than four feet in height to delineate the dining area and meet Liquor Control Board regulations.

12. "Sign" means a publicly displayed advertising, directional, or information device excluding:

a. Flags and similar primarily nonverbal symbols of governmental, religious or civic organizations;

b. Traffic-control devices, verbal or nonverbal, maintained by the public agency with jurisdiction over the thoroughfare;

c. Minor notices such as conventional no soliciting, open, closed, for rent and for sale signs; and

d. Signs located so as to be viewed only from the ownership on which they are located.

13. “Sign plans” means a plan drawn at a scale approved by the building official, or electronic equivalent, clearly indicating the following:

a. Footing connections to building, size of supports and materials used in supports and sign itself;

b. Elevation showing size and height of any proposed freestanding or projecting signs clearly indicating ground clearance and clearance to overhead power lines; and

c. Elevation of building facade for any proposed wall signs showing dimensions of the building as well as existing and proposed wall signs.

14. “Single-family residence” means a dwelling unit which is unattached to any other dwelling unit.

15. “Site plan, commercial, industrial, multifamily” means a twenty-four-inch by thirty-six-inch plan drawn by a state of Washington licensed architect at a scale of one inch equals twenty feet or one inch equals forty feet (or other size plan sheet or scale approved by the Community Development Department), or electronic equivalent, clearly indicating the following:

a. Scale and north arrow;

b. Legal description;

c. Location, identification, and dimensions of all buildings, property lines, setbacks, streets, alleys and easements;

d. Condition of all public rights-of-way and verification of right to use easements;

e. Off-street parking layout and driveways;

f. Curbs, gutters, sidewalks, paving, storm drainage, meters (domestic and fire), and grease interceptors;

g. Grading plan showing proposed and existing contours and site elevations;

h. Landscaped areas, irrigation meters;

i. Lighting and sign structures (new and existing);

j. Location of garbage containers and recycling storage;

k. Fire hydrant locations (new and existing) within three hundred feet of building;

l. For wireless communication facilities, indicate type and locations of existing and new plant materials used to screen facility components and the proposed color(s) for the facility;

m. General notes addressing the following (may be listed on cover sheet):

   i. Full name of the project;

   ii. Name, address, and telephone number of owner and agent(s);

   iii. Existing zoning of the project site;

   iv. Area, in square feet, of the project site;

   v. Reference to the current International Building Code (i.e., IBC and date of current adopted version);

   vi. Proposed use of each building (if multifamily, the number of dwelling units);

vii. IBC occupancy group designation;

viii. IBC type of construction of all buildings;

ix. Allowable and proposed building height and number of stories of new buildings;

x. Square footage (by floor and overall total) of each individual building and/or use;

xi. Total square footage of all buildings (footprint of each building);

xii. Allowable area calculation;

xiii. Occupancy load (maximum capacity) of each building;

xiv. Percentage of lot coverage;

xv. Square footage of all landscaping (total, parking lot, and wildlife habitat);

xvi. Seismic zone of the project site;

xvii. Floor, roof, and wind design loads;

xviii. Identity of special inspection agency selected by the owner to perform special inspections;

xix. Building setbacks required by code;

xx. Proposed building setbacks;

xxi. Parking analysis, including:

(A) Number of stalls required, by use; number of stalls provided, by use;

(B) Sizes of stalls and angles;

(C) Location and number of handicap stalls, compact, employee and/or guest parking stalls;

(D) Location and size of curb cuts;

(E) Traffic flow within the parking, loading, and maneuvering areas and ingress and egress;

(F) Location of wheel stops;

(G) Loading space;

(H) Stacking space; and

(I) Square footage of interior parking lot landscaping.

16. "Site plan, sign" means a twenty-four-inch by thirty-six-inch plan drawn at a scale of one inch equals twenty feet or one inch equals forty feet (or other size plan sheet or scale approved by the Community Development Director), or electronic equivalent, clearly indicating the following:

a. Scale and north arrow;

b. Location, identification and dimensions of all buildings, property lines, existing and proposed signs, streets, alleys and easements, and the setbacks from property lines and easements;

c. Location and dimensions of off-street parking layouts and driveways;

d. Location and dimensions of the landscaped areas;

e. General notes addressing the following (may be listed on cover sheet):

i. Note if any proposed signage will flash or be animated;

ii. Name, address and telephone number of owner and agent(s);

iii. Zoning of the project site;

iv. Street frontage(s) (in feet) for the site or, for multiple tenants building, indicate frontage of individual tenant space;

v. Type (e.g., freestanding, wall, etc.), size and number of all existing signs;

vi. Type, size and number of all proposed signs;

vii. Reference to the current sign code; and

viii. Wind design loads.

17. "Site plan, single-family/duplex" means an eight-and-one-half-inch by eleven-inch plan drawn at a scale of one inch to twenty feet or one inch to forty feet (or other size plan sheet or scale approved by the Community Development Director), or electronic equivalent, clearly indicating the following:

a. Legal description;

b. Explanation of scope of work;

c. Existing and proposed construction labeled and differentiated by pattern or line type;

d. Dimensions of all property lines and all building setbacks to property lines;

e. Dimensions and labels for all streets, alleys, and/or easements;

f. Lot size in square feet;

g. Location and footprint size in square feet of all existing and proposed structures on property including decks, carports, storage sheds, and garages;

h. Location and dimensions of approaches, driveways and public sidewalks;

i. Elevation at property corners and contour lines at two-foot height intervals, showing proximity to steep slopes;

j. Finished floor elevation for properties located within a flood zone;

k. The location, height and length of retaining walls, rockeries, etc.;

l. Location and distance in feet of nearest fire hydrant to structure; and

m. Location of any pool/spa and setback dimensions to property lines and the location of the required six-foot fence.

18. "Stream and lake data" include the following information, or electronic equivalents, prepared as specified:

a. Field Location. The ordinary high water mark shall be flagged in the field by a qualified consultant. The field flagging must be accompanied by a stream or lake reconnaissance report.

b. Reconnaissance Report. The report shall include the following information:

i. In addition to any submittal requirements in this chapter, the site map(s) shall indicate:

(A) The entire parcel of land owned by the applicant and the ordinary high water mark determined in the field;

(B) Top view and typical cross-section views of the stream or lake bed, banks, and buffers to scale;

(C) The vegetative cover of the stream or lake, banks, and the site identification of the dominant plant and animal species;

ii. Stream or Lake Assessment. A narrative report shall be prepared to accompany the site plan which describes:

(A) The vegetative cover of the stream or lake, banks, and the site, identifying the dominant plant, fish, and animal species;

(B) If mitigation is proposed, a mitigation plan which includes baseline information, environmental goals and objectives, performance standards, construction plans, a monitoring program and a contingency plan;

(C) If stream or lake or associated buffer changes are proposed, the applicant shall evaluate alternative methods of developing the property using the following criteria in this order:

(1) Avoid any disturbances to the stream, lake or buffer;

(2) Minimize any stream, lake or buffer impacts;

(3) Compensate for any stream, lake or buffer impacts;

(4) Restore any stream, lake or buffer area impacted or lost temporarily; and

(5) Enhance degraded stream or lake habitat to compensate for lost functions and values;

(D) Any proposed alteration of lakes or streams shall be evaluated by the Community Development Director using the above hierarchy.

19. "Street lighting plan" means a drawing showing the proposed lighting system, including luminaries, junction boxes, electric wiring, and wiring diagrams using the same scale as the utility plans of the public works department and conforming to the city of Sedro-Woolley street light standards.

20. "Structural calculations" means an analysis of loads, materials, etc., prepared and stamped by a state of Washington licensed professional engineer.

21. “Structural plans” means twenty-four-inch by thirty-six-inch plans prepared and stamped by a state of Washington licensed professional engineer drawn at a scale of one-eighth inch equals one foot (or other size or scale approved by the Community Development Director), or electronic equivalent, clearly indicating the information required by the permits section of the currently adopted International Building Code and Chapter 19.27 RCW (State Building Code Act, Statewide amendments), or electronic equivalent, including, but not limited to, the following:

a. Structural members labeled as to size and spacing as well as bracing, blocking, bridging, special connectors, and anchor bolts;

b. Cross-section details, as needed, to show typical foundation, floor, wall, ceiling and roof construction; insulation of walls, floors and roof/ceiling; and

c. Details of stairs, fireplaces and special construction, if any.

22. “Structure” means a stationary manmade object or part thereof erected on the ground with an intention of some permanence, excluding objects less than three feet in height.

23. “Survey” means a sketch showing all distances, angles and calculations required to determine corners and distances of the plat shall accompany this data. The allowable error of closure shall not exceed one foot in ten thousand feet per city surveying standards. Shall be accompanied by a complete survey of the section or sections in which the plat or replat is located, or as much thereof as may be necessary to properly orient the plat within such section or sections. The plat and section survey shall be submitted with complete field and computation notes showing the original or re-established corners with descriptions of the same and the actual traverse showing error of closure and method of balancing.

T. Definitions “T”

1. “Topography map” means a map showing the existing land contours using vertical intervals of not more than five feet. For any existing buildings the map shall show the finished floor elevations of each floor of the building.

2. “Townhouse” means a dwelling in a row of units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common walls.

3. “Traffic study” means a report prepared by a state of Washington licensed engineer containing the elements and information in sufficient detail to define potential problems related to the proposed development and identify the improvements necessary to accommodate the development in a safe and efficient manner.

4. “Trailer” means a device designed to be drawn by a motor vehicle and provide temporary living quarters.

5. “Transmission lines” as related to gas or power lines means an interconnected group of lines and associated equipment for the movement or transfer of electric energy or gas between points of supply and points at which it is transformed for delivery to customers or is delivered to other systems. Transmission lines do not include distribution lines from which services to individual properties are provided. There are two gas transmission lines and several electric transmission lines in Sedro-Woolley.

6. “Tree cutting/land clearing (tree inventory) plan” means a plan, based on finished grade, drawn to scale with the northern property line at the top of the paper, or electronic equivalent, clearly showing the following:

a. All property boundaries and adjacent streets;

b. Location of all areas proposed to be cleared;

c. Types and sizes of vegetation to be removed, altered or retained. This requirement applies only to trees eight inches in diameter for evergreens and ten inches in diameter for deciduous trees at a point five feet from the ground, and larger;

d. Future building sites and drip lines of any trees which will overhang/overlap a construction site; and

e. Location and dimensions of rights-of-way, utility lines, and easements.

U. Definitions “U”

1. “Unresponsive” means a lack of written communication indicating regular and routine progress has been made towards applicable permit requirements, including but not limited to, the lack of postal mail, electronic mail, voicemail, electronic permit submission/revision, hand-delivered letter, or hand-delivered permit submission/revision in receipt by the City. An

unresponsive permit application shall not be considered expired until fourteen calendar days after the Department has notified the applicant of the unresponsive status of the permit application via certified mail.

2. “Utilities construction plans” means plans prepared by a state of Washington licensed civil engineer as stipulated by the city of Sedro-Woolley standards.

3. “Utilities plan, generalized” means a plan drawn on twenty-two-inch by thirty-four-inch plan sheets using a graphic scale of one inch equals twenty feet (or other scale or size approved by the public works department), or electronic equivalent, clearly showing all existing (to remain) and proposed public or private improvements to be dedicated or sold to the public including, but not limited to: curbs, gutters, sidewalks, median islands, street trees, fire hydrants, utility poles, refuse areas, freestanding lighting fixtures, utility junction boxes, public utility transformers, etc., along the full property frontage. The finished floor elevations for each floor of proposed and existing (to remain) structures shall be shown.

V. Definitions “V”

1. “Variance justification” means a written statement setting forth the reasons in favor of the application and addressing the criteria listed in Chapter 17.60 which are used by the hearing examiner/administrative staff when reviewing the variance request.

2. “Vision clearance triangle” means the area that provides the visibility required for safe access to streets from cross streets, driveways and alleys.

W. Definitions “W”

1. “Wholesaling” means the warehousing of materials or goods for sale abroad and generally is related to shipping of materials and goods and not retail sales.

2. “Work/live unit” means a unit in which a residential use is located above a business use within the same building and is reserved for and regularly used by the business owner. The primary intent of a work/live unit is to provide a working business space for the business owner with a residence as a secondary use. These units are subject to the ~~following conditions:~~provisions of Chapter 17.120 SWMC.

~~1. The business area function shall be limited to the first floor only of the work/live unit;~~

~~2. The residential portion of the unit shall not exceed fifty percent of the area of the entire work/live unit;~~

~~3. All residential features must be designed and arranged to be separated from the business portion of the unit by a physical divider such as walls and a lockable door. The intent of this condition is to clearly distinguish the separation of the residential portion of the unit from the business portion;~~

~~4. The main entrance to the business shall have commercial windows and doors, shall be easily identifiable as a business space from the exterior and shall be visible and accessible from a public right-of-way or private, publicly accessible parking lot;~~

~~5. Access shall be provided to the residential portion of the work/live unit through the business portion. This condition does not preclude additional means of ingress/egress;~~

~~6. The residential portion of the unit must be inhabited by the owner of the associated business;~~

~~7. The business and residential spaces cannot be leased separately from each other;~~

~~8. The minimum size of the business portion of the unit shall not be less than three hundred square feet;~~

~~9. The use of the business portion of the unit is limited to the permitted uses of the underlying zone in which the unit is located, with the exception that office use is a specifically permitted use in the business portion of the work/live unit. Hazardous uses, storage (except accessory storage up to ten percent of the space dedicated to a permitted business use) and marijuana growing, processing and/or retail are specifically prohibited uses in the business portion of the unit;~~

~~10. Work/live units are exempt from the industrial zone use restriction "limited retail and service uses up to five percent of the total site" (Section 17.28.010(A)(6));~~

~~11. The business portion of the unit shall be open to the public during business hours;~~

~~12. The business portion of the unit shall not be occupied by residential use;~~

~~13. The business portion of the unit must not contain any of the primary features of the residential portion of the work/live unit. Sleeping facilities are strictly prohibited. Kitchens, laundry facilities or bathrooms containing a shower or bathtub associated with the commercial/industrial use are allowed; however, the use of such facilities shall be limited to staff and/or clientele;~~

~~14. Work/live units shall include an exterior sign with the name of the associated business. The sign shall be clearly associated with the unit and visible to pedestrians from the public right-of-way or private, publicly accessible parking lot;~~

~~15. Both residential and commercial rates will apply for permitting and monthly city utility billing purposes;~~

~~16. Work/live units shall have two water meters installed—one for the residential portion of the unit and one for the business portion;~~

~~17. The owner of a work/live business shall sign and submit a work/live agreement to the planning department attesting that they will comply with all applicable work/live requirements and regulations and that the business portion will not be used for any residential, storage or other noncompliant uses. The agreement shall first be approved by the director, then recorded with the Skagit County auditor's office. The owner shall submit proof that the agreement has been recorded with the Skagit County auditor's office prior to issuance of the building permit;~~

~~18. Upon sale of the property, the new owner shall be required to sign and submit a new work/live agreement to the planning department. Once approved by the director, the new agreement shall be recorded with the Skagit County auditor's office. Proof that the agreement has been recorded with the Skagit County auditor's office shall be submitted to the planning department;~~

~~19. To change or expand the amount of interior business or residential space, the owner must obtain all necessary permits/approvals from the city and meet all requirements prior to changing or expanding; and~~

~~20. Work/live units are permitted in the industrial zone only along the edge(s) of an industrial zoned property where adjacent to residential zoned property. The intent of this condition is to allow work/live units as a means of creating a practical buffer between industrial and residential uses.~~

X. Definitions "X"

Y. Definitions "Y"

Z. Definitions "Z"

17.04.040 Administration and interpretation.

Responsibility for administration and interpretation of this title shall rest with the ~~planning d~~Community Development Director or their designee. Any interpretation or action of the ~~planning~~ Community Development ~~d~~Director may be appealed to the hearing examiner by submittal in writing to the ~~planning~~ Community Development ~~d~~Director. Also, the ~~planning~~Community Development ~~d~~Director may at any time defer to the hearing examiner or the city council where uncertainty exists as to interpretations. (Ord. 2032-22 § 11, 2023; Ord. 1607-08 § 7(A), 2008: Ord. 1013 § 1.04, 1985)

17.04.050 Nonconforming uses, structures, and lots.

Uses, structures and lots not conforming to the provisions of this title may continue if legally existing at time of adoption of the ordinance codified in this title or at time of annexation to the city if annexed subsequent to adoption, provided that:

A. Legal nonconforming uses and structures shall not be enlarged, altered or expanded unless such modification is approved through the conditional use permit process;

B. Legal nonconforming uses shall lose such status if abandoned for a period of six months or more;

C. Legal nonconforming structures may be maintained and repaired unless destroyed or damaged so as to have their fair market value reduced by seventy-five percent or more, in which case they shall lose legal nonconforming status;

D. Use and development of legal nonconforming lots shall be in accordance with all current regulations, including setback requirements; and

E. If question arises as to whether a use, structure or lot enjoys legal nonconforming status, the burden of proof shall be on the property owner to provide the necessary documentation. (Ord. 1013 § 1.05, 1985)

17.04.060 Fees.

The fees for projects regulated by this chapter shall be assessed as designated in the current city of Sedro-Woolley building, planning and engineering fee schedule, as adopted by resolution of the city council and on file with the city clerk.

17.04.070 Public notice requirements.

A. Purpose. The purpose of this section is to outline the distribution, methods, timing, and content requirements for public notices associated with land use and development permit applications.

B. Applicability. The public notice requirements applicable to a land use or development permit application shall be determined by the permit type and review procedure identified in SWMC 15.15.014. Table 17.04.070 (C) below establishes the requirements for providing each notice type when required.

C. Public Notice Procedures

Notice Type	**Recipients**	**Methods**	**Timing**	**Contents**
Notice of Development Application	Property owners and residents within 500 feet of subject property; general public via site posting.	Mailing; posting on subject property.	Issued within 14 calendar days of Letter of Completeness. A 14-day public comment period applies.	Project proponent; project name and file number; date accepted; project location; project description; permits/approvals requested; comment deadline; *how to become a party-of-record for further information; hearing date, time, and place if scheduled.

Notice of Development Application with SEPA	See SWMC 2.88.132	See SWMC 2.88.132	See SWMC 2.88.132	See SWMC 2.88.132
Notice of Administrative Decision	Parties of record; project proponent; affected government agencies	Mailing.	Upon issuance of decision.	Description of decision including any conditions; where to obtain further information; environmental determination and appeal process if applicable; appeal deadline (see SWMC 17.04.080).
Notice of Public Hearing	Parties of record; project proponent; affected government agencies; property owners and residents within 500 feet of subject property; general public via publication and site posting.	Publication; mailing; posting on subject property	At least 10 calendar days before hearing.	Project description; action to be taken; project location; hearing date, time and place; where to obtain further information; *public hearing continuation statement.
Notice of Hearing Examiner Decision	Parties of record; project proponent; affected government agencies.	Mailing	Upon issuance of decision.	Description of decision, including any conditions; where to obtain further information; environmental determination and appeal process if applicable; appeal deadline (see SWMC 17.04.080).

Notice of City Council Decision	Parties of record; project proponent; affected government agencies.	Mailing	Upon issuance of decision.	Description of decision, including any conditions; where to obtain further information; environmental determination and appeal process if applicable; appeal deadline (see SWMC 17.04.080).

*Becoming a party of record: In order to receive additional information regarding a particular project, interested parties must contact the Community Development Department and request to be made a party of record. Contact information for such requests shall be provided in the notice.

*Public hearing continuation statement: If the hearing on a pending action cannot be completed on the date set in the public notice, the hearing may be continued at a future date(s). No further notice is required.

D. Mailing Procedure

1. If an application requires mailing public notice, the project applicant shall include the following materials in their application submittal:

a) A list of names and addresses of property owners and residents within 500 feet of the edge of subject property from the Skagit County Assessor's records;

b) A map showing the subject property and all properties on the mailing list;

c) Two (2) sets of postage-paid envelopes addressed to property owners and residents (three (3) sets if SEPA review applies).

d) An affidavit certifying the mailing list and map contain true and correct information.

2. City staff shall be responsible for mailing required notices. The staff member designated to mail the notices shall file an affidavit in the permit file certifying a true and correct copy of the notice was mailed to the required recipients sufficiently in advance to satisfy the applicable notice period requirements.

E. Site Posting Procedure

2. If an application requires posting public notice on site, the applicant shall be required to comply with the following requirements:

a) The applicant shall obtain from the Community Development Department one notice board per street frontage of the subject property. Payment of associated fees per the current Master Fee Schedule shall be required.

b) One notice board, with a water-proofed copy of the public notice attached, shall be placed by the applicant at each street frontage of the property, as directed by the Community Development Director, or their designee, for maximum visibility. Additional notice boards may be required if the site does not abut a public street, abuts more than one public road, or public visibility is otherwise obstructed.

c). The applicant shall file an affidavit with the Community Development Department at least 10 calendar days prior to the end of the notice period certifying the notice was posted in accordance with required posting procedures. The applicant shall attach a photo to the affidavit showing the notice was posted properly. Failure to file an affidavit shall be cause for discontinuance of application review until the affidavit is filed.

d). Notice boards shall be maintained in good condition by the applicant during the notice period and shall be removed by the applicant within 15 calendar days after the end of the notice period. Removal of the notice board prior to the end of the notice period shall be cause for discontinuance of application review until the notice board is replaced and remains in place for the specified time period.

F. Publication Procedure. City staff shall coordinate with the Skagit Valley Herald (or its successor local newspaper) to publish required notices in the legal notices section sufficiently in advance to satisfy the applicable notice period requirements.

17.04.080 Appeals.

A. Scope and Purpose. This section provides the basic procedures for processing all types of land use and development-related appeals. Specific requirements are based upon the type/level of appeal and the appeal authority. Procedures for the following types of appeals are included in this section:

1. Appeals to hearing examiner of administrative decisions and environmental determinations;

2. Appeals to superior court; and

3. Appeals to the State Shorelines Hearings Board.

B. Appeal Authority. Table 17.04.080(B) below specifies the authority responsible for processing appeals. Refer to permit classifications and review procedures in SWMC 15.15.014. Where multiple permits are processed concurrently and appeal authorities and procedures differ, the highest level of appeal authority and procedure applies.

Appeal Type	**Decision Being Appealed**	**Appeal Authority**
Administrative Decision	Administrative decision made under this title	Hearing Examiner
Environmental Determination (SEPA)	DNS, DS, FEIS, or other appealable SEPA determination	Hearing Examiner
Hearing Examiner Decision	Final Hearing Examiner decision	Superior Court
Shoreline Permit Decision	Shoreline substantial development permit, variance, conditional use permit, or permit rescission	Shorelines Hearings Board

C. General Appeal Requirements.

Requirement	Standard
Written Appeal Required	Appeals shall be submitted to the Community Development Department in writing.
Content of Appeal	The appeal shall clearly identify alleged errors of fact or law.
Appeal Fee	Appeals shall be accompanied by the fee established by the current fee schedule.
Number of Appeals	Only one open-record appeal is allowed for decisions associated with a single land use or development application.
Subsequent Interpretations	Requests to interpret, explain, modify, or retract a decision do not create a new appeal period for third parties.
Environmental Appeals	Appeals of environmental determinations shall be joined with appeals of the related substantive decision when required by law.

D. Appeals to the Hearing Examiner

1. Who May Appeal. The following persons may appeal an administrative decision or environmental determination:

   a. Any person aggrieved by the decision;
   b. Any affected city officer, department, board, or bureau; and
   c. Any person or agency authorize by state law to appeal the city's compliance with SEPA.

2. Deadline to Appeal.

Appeal Type	Filing Deadline
Administrative Decision	14 calendar days from the date of the decision or publication of notice, if applicable
Final DNS	14 calendar days from the date the DNS becomes final
DS	14 calendar days from publication of the DS
Final EIS	20 calendar days from issuance of the permit or approval
Permit Modification or Retraction (applicant only)	14 calendar days from the date of the action

Complaints filed after the appeal deadline shall not create an appeal right but will be treated as a complaint of noncompliance with the decision.

3. Appeal Procedure. Upon receipt of an appeal:

   a. The Community Development Department shall notify the official whose decision is being appealed;
   b. The official shall transmit the decision record and relevant materials to the Hearing Examiner and shall schedule a public hearing;
   c. A notice of public hearing shall be mailed at least 10 calendar days before the hearing date to the applicant, parties of record, and the official whose decision is being appealed;
   d. The city shall provide for a record that consists of findings and conclusions, testimony under oath, and a recorded transcript.
   e. The Hearing Examiner may affirm the decision, reverse the decision, or remand the matter for further proceedings. A decision may only be reversed when substantial rights have been prejudiced because the decision was contrary to constitutional provisions, beyond the authority of the decision-maker, made using unlawful procedures, affected by an error of law, clearly erroneous based on the record, or arbitrary or capricious.

E. Appeals to Superior Court.

1. Who May Appeal. The following persons may appeal a land use decision:

a. The applicant;
b. The property owner;
c. Any person aggrieved or adversely affected by the decision; or
d. Any person who would be aggrieved or adversely affected by reversal or modification of the decision.

2. Deadline to Appeal.

Appeal Type	**Filing Deadline**
Land Use Decision	21 calendar days after issuance of the decision
Environmental Determination and Related Substantive Decision	20 calendar days after the substantive decision
Other Decisions	Time established by applicable ordinance or statute; if none, 21 calendar days

3. Appeal Procedure. Refer to Chapter 36.70C RCW (Land Use Petition Act).

F. Appeals to Shorelines Hearing Board.

1. Who May Appeal. The following persons may appeal a shoreline permit decision:

a. Any person aggrieved by the granting or denying of a substantial development permit, conditional use permit, and/or variance on shorelines of the city;
b. Any person aggrieved by the rescinding of a permit pursuant to the provisions of the shoreline master program.

2. Deadline to Appeal.

Appeal Type	**Filing Deadline**

Substantial development permit	21 calendar days from receipt of the final order
Conditional use permit	21 calendar days from receipt of the final order
Variance	21 calendar days from receipt of the final order
Permit rescissions	21 calendar days from receipt of the final order

3. Appeal Procedure.

   a. Appeals shall be filed directly with the Shorelines Hearings Board;
   b. A copy of the appeal shall concurrently be filed with the Community Development Department, Washington State Department of Ecology, and Washington State Attorney General;
   c. Appeals shall be processed in accordance with the Shoreline Management Act, Chapter 90.58 RCW, and applicable state regulations.
   d. Appeals of substantial development permits for limited utility extensions authorized under RCW 90.58.140(11), or for the construction of a bulkhead or other measures intended to protect a single-family residence and its appurtenant structures from shoreline erosion, shall be finally determined by the legislative authority within thirty (30) calendar days.

17.43.070 Approval—Procedure.

[...]

D. Public Hearing. A PRD is a Type III land use application under Chapter ~~2.90.~~15.15 The hearing examiner shall hold a public hearing on the proposed PRD.

E. Hearing Examiner Decision. Following the public hearing, the hearing examiner shall make a report of findings and decision with respect to the proposed PRD, and shall give approval, approval with modifications, or disapproval to the proposed PRD. The decision may be appealed as allowed in Chapter 17.04~~2.90~~. The hearing examiner report of findings and decision shall include, but need not be limited to, the following items:

1. Suitability of the site area for the proposed development;

2. Requirements of the subdivision code for the proposed development;

3. Time limitations for the entire development and specified stages;

4. Development in accordance with the Sedro-Woolley comprehensive plan;

5. Public purposes have been served by the proposed development;

6. Compliance with the design standards and guidelines.

F. City Council Decision. After receipt of the hearing examiner’s findings and recommendations, the city council shall give approval, approval with modifications or disapproval to the proposed PRD. The city council’s decision may be appealed to Skagit County superior court as allowed in Chapter 17.04~~2.90~~.

[...]

17.56.030 Procedure.

The procedure for a conditional use permit shall be as set forth in Chapter 15.15~~2.90~~ for consolidated permit processing, and also includes the following:

[...]

F. The hearing examiner decision may be appealed per Chapter 17.04~~2.90~~.

[...]

17.60.030 Procedure.

Variance applications shall be processed as a Type II land use permit as set forth in Chapter15.15~~ 2.90~~ for consolidated permit processing. Zoning waivers (administrative) shall be processed as a Type I~~A~~ land use permit as set forth in Chapter 15.15~~2.90~~ for consolidated permit processing.

[...]

17.64.030 Procedure.

The procedure for a temporary permit application shall be as follows:

[...]

C. The decision of the planning director may be appealed to the hearing examiner pursuant to the procedures set forth in Chapter 17.04~~2.90~~.

[...]

17.65.065 Public notice and records.

A. Public notice for projects subject to the provisions of this chapter shall be provided pursuant to the requirements of Chapter 17.04~~2.90~~, Consolidated Planning Procedures.

[...]

17.65.070 Application submittal requirements.

[...]

B. Technical Reports. Technical reports shall be prepared as required by the director detailing geological, hydrological, drainage, and other site conditions, to comply with the development standards in Section 17.65.060 and pursuant to Chapter 13.36, Stormwater Management. The reports shall be used to condition development to prevent potential harm and to protect the critical nature of the site, adjacent properties, and the drainage basin. Technical reports prepared by consultants not contracted with the city of Sedro-Woolley for the work shall be subject to third party review by the city of Sedro-Woolley's independent consultant/expert at the applicant's expense. Appeals of the decision by the director in consultation with the city's independent consultant/expert shall be subject to the administrative appeals procedures in Chapter 17.042~~.90~~. The city may also rely on opinions from agencies listed in Section 17.65.040(B) in making the decision.

[...]

17.65.150 Reasonable use exception.

[...]

F. Decisions of the hearing examiner may be appealed to the city council pursuant to Chapter 17.042~~.90~~.

[...]

17.66.130 Variance procedure.

The hearing examiner shall hear and decide appeals de novo when it is alleged there is an error in any requirement, decision, or determination made by the building official in the enforcement or administration of the ordinance codified in this chapter. Procedure for such appeals is per SWMC Chapter 17.042~~.90~~.

[...]

Chapter 17.68

Repealed~~HOME OCCUPATION PERMITS~~

Sections:

17.68.010 General requirements.

~~This permit process shall apply in zones where home occupations are a permitted use subject to obtaining a permit in accordance herewith. In zones where the gainful activity itself is a permitted use, this permit is not required.~~

17.68.020 Fee.

Repealed by Ord. 1651-09. (Ord. 1013 § 4.05.02, 1985)

17.68.030 Procedure.

~~The procedure for a home occupation permit application shall be as follows:~~

~~A. The applicant completes and submits to the city planning department a home occupation permit application form together with fee. The application form will establish the necessary information.~~

~~B. The planning director judges whether the application will conform to the definition of home occupation and grants or denies accordingly, with conditions as necessary.~~

~~C. The decision of the planning director may be appealed to the hearing examiner pursuant to the procedures set forth in Chapter 2.90.~~

17.88.040 Procedure.

Applications that seek approval for an EPF as defined by Section 17.04.030 and/or are listed under Section 17.88.020 shall follow the procedures established in Chapter ~~2.90~~15.15 for a Type III permit process. In addition to the decision criteria described in Section 17.88.060, secure community transition facilities as defined in Section 17.04.030 shall also be consistent with the decision criteria described in Section 17.88.080.

[...]

17.88.060 CUP-EPF review criteria.

A. Essential public facilities shall be subject to classification and identification as follows:

1. Type One—Regional EPFs. These are major essential public facilities that provide public services to more than one county and where the provider has statutory authority to site and construct the facility and where a regional, inter-governmental siting process has been followed. These facilities may include, but are not limited to, regional transportation facilities, such as regional airports, state correction facilities, and state educational facilities.

2. Type Two—Local EPFs. These are local or interlocal facilities serving residents or property serving Skagit County. A "local EPF" means an essential public facility that is not a regional EPF.

3. In order to enable the city to determine the project's classification, any public or private entity proposing to site an EPF in the city shall provide to the director its intent to site the EPF, once it is known that the EPF is likely or required to be built, the application materials set forth in Section 17.88.050.

4. The director shall review the application upon receipt and determine whether the proposed project shall be identified as an EPF and if so whether the EPF shall be classified as a regional EPF or local EPF. A determination shall be made within forty-five days following the director's written notice to applicant of receipt of sufficient material and information set forth in Section 17.88.050. The director shall provide notice of determination to the applicant and publish notice of the determination in a newspaper of general circulation within Skagit County.

5. The director's determination shall be an administrative determination subject to appeal and procedures established in Chapter 17.04~~2.90~~ for a Type I administrative appeal process.

B. Notification and involvement of community and jurisdictions for EPFs shall be as follows:

1. Type One Facilities. In addition to such other notice as may be required by law before the siting decision, and at least ninety days before submitting an application for a type one essential public facility, the prospective applicant shall notify the affected public and jurisdictions of the general type and nature of the proposal, identify sites under consideration for accommodating the proposed facility, and identify opportunities to comment on the proposal. Applications for specific projects shall not be considered complete in the absence of proof of a published notice and notice to the city regarding the proposed project. Published notice shall be in a newspaper of general circulation in the affected area. This notice shall include the information described above and shall be published at least ninety days prior to the submission of the application. It is expected that an environmental impact statement may be required for most type one facilities in accordance with the SEPA environmental review process. Nothing from this section will preclude the city from consulting with the Skagit Council of Governments and may provide the project sponsor and affected jurisdictions with their comments or recommendations regarding alternative project locations during this process. The purpose of this provision is to enable potentially affected jurisdictions and the public to collectively review and comment on alternative sites for major facilities before the project sponsor has made their siting decision.

2. Type Two Facilities. Type two essential public facilities shall be required to provide a notice of application as required by Chapter 17.04~~2.90~~.

C. Conditional Use Permit Required.

1. An EPF shall be a conditional use in all zones. In the event of a conflict with any other provision within the Sedro-Woolley Municipal Code, the provisions of this section shall govern.

2. An EPF application and approval process shall satisfy the requirements of this chapter and Chapter 17.56 and shall be subject to ~~appeal and the~~ review procedures established in Chapter 15.15 ~~2.90~~ and appeal procedures established in Chapter 17.04 for a Type III conditional use permit.

[...]

17.88.080 Special provisions for secure community transition facilities (SCTFs).

A. The purpose and intent of this section is to establish standards for secure community transition facilities (SCTFs) in compliance with Chapter 71.09 RCW, and to maintain compatibility with other land uses and services permitted within the city. The standards in this section apply to all SCTFs in addition to the process set forth under Chapter 15.15~~2.90~~ and criteria set forth Chapter 17.56; the standards of this section are not subject to a variance.

[...]

D. Application Materials. An application for an SCTF shall include all materials and information required by the Community Development Department's application checklist, together with the following~~In addition to the regular application materials required for a land use review pursuant to Chapters 2.90 and 17.56, an application for an SCTF shall also include~~:

1. The siting process used for the SCTF, including alternative locations considered.

2. An analysis showing that consideration was given to potential sites such that siting of the facility will not result in a concentration of similar facilities in a particular neighborhood, community, jurisdiction, or region.

3. Proposed mitigation measures, including the use of buffering from adjoining uses.

4. A general overview of planned security for the facility.

5. A schedule and analysis of all public input solicited or to be solicited during the siting process.

6. Notice of the application to all property owners and occupants of record within two thousand five hundred feet of the proposed site.

Chapter 17.98
MODEL HOMES

Sections:

[...]

17.98.090 Model home permit decision a~~A~~ppeals.

Administrative approvals may be appealed in accordance with the requirements set forth in Chapter ~~2.90~~17.04.

[...]

Chapter 17.100
ACCESSORY DWELLING UNITS (ADUS)

Sections:

~~17.100.020 Permit required.~~
17.100.02~~3~~0 Standards and criteria.

[...]

~~17.100.020 Permit required.~~

~~A development authorization application is required for all accessory dwelling units. Application for an ADU shall be made in accordance with the permit procedures established in Chapter 2.90. The director shall have the authority to approve accessory dwelling units (ADUs) which are consistent with the regulations and provisions herein.~~

17.100.02~~3~~0 Standards and criteria.

Accessory dwelling units shall meet the following criteria:

[...]

~~O. A permit for an accessory dwelling unit shall not be transferable to any lot other than the lot described in the application.~~

[...]

17.110.020 Application for temporary homeless encampment permit.

[...]

E. A complete application for a temporary homeless encampment permit must be filed at least thirty days before the date on which the temporary homeless encampment is proposed to move onto the proposed location; provided, that the director may agree to a shorter period in the case of an emergency beyond the control of the encampment host and encampment sponsor. Temporary homeless encampment permit reviews and final decisions shall occur pursuant to the time frames in Chapter 15.152~~2.90~~.

F. An application for a temporary homeless encampment permit shall be processed as a Type II temporary homeless encampment permit under Chapter 15.152~~2.90~~ subject to administrative appeal and final administrative decision by the city hearing examiner.

G. In addition to the requirements for a Type II permit under Chapter 15.15~~2.90~~, the following additional and amended procedures apply:

1. Public Meeting Required. The encampment host, manager and sponsor shall hold an informational public meeting that will be attended by the director. The public meeting shall be held as early in the review process as possible for the application. Notice of the public meeting shall be mailed to those property owners identified within subsection (G)(2) of this section. The public meeting notice will be combined with the notice of application whenever possible. Prior to the public meeting, the encampment host shall meet and confer with the Sedro-Woolley police department regarding the proposed security measures. At the public meeting, a representative of the encampment host shall present in writing and describe the proposed encampment management responsibility plan, and any input or comment received on the plan, including any comment or input from the Sedro-Woolley police department, or comment or input from schools and/or childcare services under subsection (G)(2) of this section. The public meeting shall be attended by all applicants of the proposed temporary homeless encampment permit.

2. Additional Mailed Notice. The requirements for mailed notice of the application set forth for Type II permits under Chapter 17.04~~2.90~~ shall be expanded to include owners of real property within one thousand feet of the project site. Prior to the decision of the director on a temporary homeless encampment permit, the encampment host, encampment sponsor, or encampment manager shall meet and confer with the administration of any public or private elementary, middle, junior high or high school within one thousand feet of the boundaries of the proposed temporary homeless encampment site, and shall meet and confer with the operators of any known child care service within one thousand feet of the boundaries of the proposed temporary homeless encampment site. The encampment host and the school administration and/or childcare service operator shall make a good faith effort to agree upon any additional conditions that may be appropriate or necessary to address school and/or child care concerns regarding the location of a temporary homeless encampment within one thousand feet of such a facility. Any such conditions agreed upon between the parties shall be submitted to the director for consideration for inclusion within the temporary homeless encampment permit. In the event the parties fail to agree on any conditions, either party may provide the director with a written summary of the parties' discussions, which the director may consider in evaluating whether the criteria for the temporary homeless encampment permit are met, or the need for additional conditions upon the temporary homeless encampment permit based on the applicable decision criteria.

3. The applicant shall provide notice of the application by posting two land use change signs on the site or in a location immediately adjacent to the site that provides visibility to motorists using adjacent streets. The director shall establish standards for timing of installation and removal of the signs and the public meeting notice.

[…]

I. Decisions of the director granting, granting with conditions, or denying a temporary homeless encampment permit shall be subject to one open record administrative appeal to the hearing examiner who shall render a final administrative determination. The hearing examiner’s decision shall be subject to appeal to the Skagit County superior court as provided in Chapter 36.70 RCW. In the event of any conflict with any other provisions of the Sedro-Woolley Municipal Code, this provision shall control over the provisions in Chapter 17.04~~2.90~~.

[…]

17.110.060 Revocation of permit.

The director may revoke a temporary homeless encampment permit for violation of any of the requirements of this chapter. If the encampment host, encampment sponsor, or encampment manager fails to take action against a resident who violates the terms and conditions of the temporary homeless encampment permit, the director may revoke the permit. If the city learns of uncontrolled violence or acts of violence by residents of the encampment and the encampment host, encampment sponsor, or encampment manager has not adequately addressed the situation, the director may revoke the permit.

A decision of the director to revoke a temporary homeless encampment permit is an administrative decision processed in the same manner as a Type II temporary homeless encampment permit decision that may be appealed to the hearing examiner for final determination provided in Chapter 17.04~~2.90~~. The decision of the director to revoke a temporary homeless encampment permit shall be stayed during any appeal to the hearing examiner, but the stay will be lifted if the hearing examiner upholds the revocation. Decisions of the hearing examiner on a temporary homeless encampment permit revocation may be appealed to the Skagit County superior court as provided in Chapter 36.70 RCW.

[…]

Chapter 17.120
WORK/LIVE UNITS

Sections:

17.120.010 Purpose and intent.

The requirements herein shall apply in zones where work/live units are a permitted use subject to the provisions of this Title.

17.120.020 General requirements.

A. The business area function shall be limited to the first floor only of the work/live unit;

B. The residential portion of the unit shall not exceed fifty percent of the area of the entire work/live unit;

C. All residential features must be designed and arranged to be separated from the business portion of the unit by a physical divider such as walls and a lockable door. The intent of this condition is to clearly distinguish the separation of the residential portion of the unit from the business portion;

D. The main entrance to the business shall have commercial windows and doors, shall be easily identifiable as a business space from the exterior and shall be visible and accessible from a public right-of-way or private, publicly accessible parking lot;

E. Access shall be provided to the residential portion of the work/live unit through the business portion. This condition does not preclude additional means of ingress/egress;

F. The residential portion of the unit must be inhabited by the owner of the associated business;

G. The business and residential spaces cannot be leased separately from each other;

H. The minimum size of the business portion of the unit shall not be less than three hundred square feet;

I. The use of the business portion of the unit is limited to the permitted uses of the underlying zone in which the unit is located, with the exception that office use is a specifically permitted use in the business portion of the work/live unit. Hazardous uses, storage (except accessory storage up to ten percent of the space dedicated to a permitted business use) and marijuana growing, processing and/or retail are specifically prohibited uses in the business portion of the unit;

J. Work/live units are exempt from the industrial zone use restriction "limited retail and service uses up to five percent of the total site" (Section 17.28.010(A)(6));

K. The business portion of the unit shall be open to the public during business hours;

L. The business portion of the unit shall not be occupied by residential use;

M. The business portion of the unit must not contain any of the primary features of the residential portion of the work/live unit. Sleeping facilities are strictly prohibited. Kitchens, laundry facilities or bathrooms containing a shower or bathtub associated with the commercial/industrial use are allowed; however, the use of such facilities shall be limited to staff and/or clientele;

N. Work/live units shall include an exterior sign with the name of the associated business. The sign shall be clearly associated with the unit and visible to pedestrians from the public right-of-way or private, publicly accessible parking lot;

O. Both residential and commercial rates will apply for permitting and monthly city utility billing purposes;

P. Work/live units shall have two water meters installed—one for the residential portion of the unit and one for the business portion;

Q. The owner of a work/live business shall sign and submit a work/live agreement to the Community Development Department attesting that they will comply with all applicable work/live requirements and regulations and that the business portion will not be used for any residential, storage or other noncompliant uses. The agreement shall first be approved by the director, then recorded with the Skagit County auditor's office. The owner shall submit proof that the agreement has been recorded with the Skagit County auditor's office prior to issuance of the building permit;

R. Upon sale of the property, the new owner shall be required to sign and submit a new work/live agreement to the Community Development Department. Once approved by the director, the new agreement shall be recorded with the Skagit County auditor's office. Proof that the agreement has been recorded with the Skagit County auditor's office shall be submitted to the planning department;

S. To change or expand the amount of interior business or residential space, the owner must obtain all necessary permits/approvals from the city and meet all requirements prior to changing or expanding; and

T. Work/live units are permitted in the industrial zone only along the edge(s) of an industrial zoned property where adjacent to residential zoned property. The intent of this condition is to allow work/live units as a means of creating a practical buffer between industrial and residential uses.

Title 18
CODE ENFORCEMENT

Chapters:

Chapter 18.15
NOTICE OF VIOLATION AND ORDER/ADMINISTRATIVE PROCEEDING

Sections:

[...]

18.15.040 Notice of violation and order a~~A~~ppeal procedure.

[...]

G. The appeal procedures set forth in this chapter shall not apply to project permit applications, land use applications, or specific land use actions identified in Chapter 17.04~~2.90~~. In the event of a conflict between this chapter and any Chapter 17.04~~2.90~~ provisions involving appeal procedures, Chapter 17.04~~2.90~~ shall control.

Planning Commission Agenda Item

Agenda Item No.: i.1.

Date: June 16, 2026

From: Ashton Sandoval Oaks, Assistant Planner

Subject: Design Standards & Guidelines: Final WWU Student Memo

RECOMMENDED ACTION:

Information only item

BACKGROUND/SUMMARY INFORMATION:

Western Washington University and the City of Sedro-Woolley coordinated an analysis and review of the city's Design Standards and Guidelines with the University's Urban & Environmental Planning & Policy (UEPP) Department. A team of 5 students spent an academic quarter conducting an in-depth study based upon the following criteria that were provided by the Community Development Department:

1. Review the Design Standards and Guidelines Manual and design requirements in the Municipal Code (Chapters 15.44, 17.38, 17.43, and 17.50 SWMC) and identify:

a. Excessive, overly restrictive, or cost-prohibitive design requirements that may be worth toning down or removing.

b. Conflicting standards between chapters in the Manual or between the Manual and the Municipal Code.

c. Areas where requirements can be consolidated.

d. Standards that are not clear and objective.

e. Standards that belong elsewhere (e.g. access and road design requirements belong in the Public Works Department Standards)

f. Any new design standards needed to address the bulk and form of multifamily residential buildings and site design, so that multi-unit developments within single-family neighborhoods generally match the surrounding scale and character and do not visually dominate.

2. Research design standards in similarly sized jurisdictions with similar values and goals (ex: City of Marysville and others).

3. Research applicable state legislation.

4. Submit recommended updates to the Manual and Municipal Code.

Students produced a memo and powerpoint as a final project, included herein as **Attachment 1 and Attachment 2**, respectively.

FISCAL IMPACT, IF APPROPRIATE:
Unknown at this time.

ATTACHMENTS:
1. WWU June 2026 Memo
2. WWU Presentation

To: Ashton Sandoval Oaks, Assistant Planner, City of Sedro-Woolley
From: Marina Harris, Coral Munoz, Max Downs, Anthony Craig, and Lain Harold Rufo
Date: May 26, 2026
RE: Final Updates to Design Threshold, Sedro-Wooley Design Standards & Guidelines

Project Overview & Scope:

Our main objectives starting off this project were **(1)** shorten the length of the Sedro-Woolley Design Standards & Guidelines, and **(2)**, raise the threshold for when design review is required under section 15.44.020 of the Sedro-Woolley Municipal Code (SWMC). It is essential that these texts work together to provide clear, consistent, and predictable guidance for applicants while ensuring that the City's design objectives are effectively implemented. More detailed descriptions of our objectives are below.

1. **Sedro-Woolley Design Standards & Guidelines:**
   The Design Standards & Guidelines document serves as the primary guidance tool for developers and business owners navigating any part of the construction process. For this reason, the city is generally looking for a shorter, more concise, and more objective design standards document for all forms of development, with an emphasis on easing development costs for commercial development within the central business district (CBD). Our goals for this document were to:
    - Trim excessive standards that might make construction difficult for developers or small businesses
    - Clean up the writing and language in the document
        - Remove redundancy
        - Improve clarity
    - Generally, shorten the document
2. **Threshold for design review:**
   Coinciding with the Sedro-Woolley Design Standards & Guidelines document, section 15.44.020 of SWMC establishes the thresholds for where design review is required or not. When we review and approve permits for buildings, land use, or subdivisions, we need to determine whether the requirements in the Design Standards & Guidelines apply or not. Our goal for editing this threshold was to make design review less common—essentially making it easier for business owners to make small changes and renovations without having to go through a design review process. Currently, the tiniest paint change triggers a design review. Sedro-Woolley has tasked us with changing that.

Methodology:

(1): Design Standards & Guidelines

When reviewing and editing the Design Standards & Guidelines document, we broke the document into separate sections for each of us to focus on. Each team member completed the following sections:

- Sections 1 and 2: Max Downs
- Section 4: Lain Harold Rufo
- Sections 3 and 5: Anthony Craig
- Section 6, 7, and 8: Marina Harris
- Sections 10 and 11*: Coral Munoz

**Section 9 (Additional Standards for the Urban Village Mixed Use (UVMU) Overlay) was left untouched as per the planning department's request.*

It was important to gain insight from other municipalities and see how they have published their design standards. We conducted research on cities with similar population sizes to Sedro-Woolley. The City of Lake Stevens proved to have a strong example of what a clean and organized design standards document should look like; it was well-organized, concise, and easy to follow. We then translated this format, along with ideas for easing development costs, into the language of the Sedro-Woolley Design Standards & Guidelines and wrote our recommendations.

(2) Section 15.44.020 of the Sedro-Woolley Municipal Code

Similar to the Design Standards & Guidelines, we compared section 15.44.020 of SWMC (Design Review) into other municipalities. With regards to finding the middle-ground for what triggers the threshold for design review, many of the cities that we initially considered prior to research have insufficient design review code sections for the inspiration we hoped to find. This is what eventually led us to the City of Seattle's code, where we found a great example to recommend in the following section.

Findings:

Design Standards & Guidelines Revisions:

After our initial review of the document, it was apparent that the general format needed to be revised. In correspondence with our research on Lake Stevens's Design Standards & Guidelines, we strongly recommend general revisions that capture three things:

1. **Layout/Formatting** - this includes the table of contents, picture formatting, universal font applications, and heading and subheading contrast, to make the document more accessible.
2. **Design Code** – sections titled ‘Encouraged and ‘Required are inconsistent across the document; some areas have too many restrictions, while others are slightly ambiguous on priority. The suggested revisions are below.
3. **Intent Sections** – while we agree that the ‘Intent’ sections are necessary, we found that in many cases, they were too long or too complicated for what the average small business owner would need. Trimming the excess of these sections would mitigate potential confusion and save space, creating a more concise delivery of the main point.

Continuing with the format of Lake Stevens's document, we also recommend that the Sedro-Woolley Design Standards & Guidelines be condensed into 5 chapters:

1. Explanation/Intent
2. Site Design
3. Building Design
4. Recreational Spaces
5. Urban Villages

General Suggestions*:

- Re-write intro statement and make it easier to read/more presentable
- Make ‘Intent’ sections shorter
- Combine the headings of ‘**Standards: Required**, and **Guidelines: Encouraged**’ into two headings: '**Required Standards** and **Encouraged Standards**.’
- Establish easier to understand visual hierarchy between headings, subheadings, by using improved combinations of font color and size
- Reformat all pictures, and delete or address any duplicates

**Specific edits are included in the Appendix below*

Edits to Design Threshold:
Within the SWMC, the current threshold establishes this:

> A. Central Business District. All new construction, alterations, demolition, or remodeling of existing buildings, and all exterior changes, including but not limited to change in paint color or materials, windows, awnings, permanent window signs, and all other signs, except for residential dwellings not used for commercial

purposes within the central business district as delineated on the city zoning map, shall comply with this chapter." (Sedro Woolley Municipal Code Section 15.44.020).

This mainly applies to the Central Business District (CBD). The area of concern for the existing standards is that it requires all exterior changes to trigger a design review. This includes small fixes or renovations such as changes to:

- Paint color
- Windows
- Awnings
- Signs

Because many of the items listed as "alterations,", or "renovations" can be minor changes, many small businesses have a hard time keeping up with demanding design review processes when making tiny changes or repairs. Below are a few suggested alternative design review threshold systems, which Sedro-Woolley may directly use, take inspiration from, or completely ignore—the goal is just to brainstorm some reasonable alternative codes.

Price point as a threshold for both renovation/modification and new development

- Renovation or development costs would determine whether design review is necessary. When the cost of renovations or development exceeds a certain price point, (which would mean they were significant enough to need a review) design review is necessary.

Price point as a threshold for renovation/modification, square footage as a threshold for new development. A variation of this code is used in section **23.41.004** of Seattle's Municipal Code.

- Renovation costs would determine whether design review is necessary. When renovations go over a certain price point, (which would mean they were significant enough to need a review) design review is necessary.
- Square footage of a development will determine whether design review is necessary. When development exceeds a certain size, (which would mean it is significant enough to need a review) design review is necessary.

Square footage as a threshold for both renovation/modification and new development

- Square footage of a renovation or development will determine whether design review is necessary. When renovations or development exceed a certain size, (which would mean they are significant enough to need a review) design review is necessary.

Neighborhood as a condition for any of the above

- The neighborhood for where development or renovation occurs may determine or modify whether a design review is necessary in any of the above scenarios. For example, the historical downtown may need design review more often.

Lastly, many other cities have, in addition to what projects need to go through design review; have a clear list of projects that are exempt from review. Sedro Woolley does not.

Appendix:

Appendix Table of Contents

The following appendix details specific recommended revisions to section **15.44.020 of the Sedro Wooley Municipal Code and to the Sedro Wooley Design Standards & Guidelines.** These recommendations are intended to improve clarity, reduce ambiguity, simplify requirements, and create easier compliance for developers. The following key shows what we changed, added, deleted, kept, and so on:

- ~~Red strikethrough~~ = deleted
- Underline= changed wording or formatting
- Black= no revisions
- Red=added language

1) Design Review Threshold (SWMC 15.44.020)

15.44.020 Review Authority:

A. Central Business District. ~~All new construction, alterations, demolition, or remodeling of existing buildings, and all exterior changes, including but not limited to change in paint color or materials, windows, awnings, permanent window signs, and all other signs, except for residential dwellings not used for commercial purposes within the central business district as delineated on the city zoning map,~~ All new construction, renovations, or development that meet any of the following thresholds in Table A shall comply with this chapter.

Table A: Design Review Established

A	Category	Site Characteristic
	A.1. Context	a. Lot is abutting or across an alley from a neighborhood zone. b. Lot is abutting Metcalf or Woodworth Streets, but not further south than Warner St.
	A.2. Scale	a. Lot is greater than 2,500 square feet. b. Building height is greater than 50 feet.
B	Type of Renovation	Cost Trigger
	B.1 Exterior	a. Cost of renovation exceeds $2,000, or b. Exterior renovation can be exempt with approval from planning staff
	B.2 Interior	a. No price limit; contemporary with approval from planning staff

**Refer to section 23.4.004 of Seattle's Municipal Code for example.*

(2) Recommendations for Design Standards and Guidelines

1. Introduction to Design Standards and Guidelines

~~The purpose of these standards and guidelines is to produce development that meets a number of objectives.~~

~~The City encourages forward thinking designs that exceed these minimum standards and guidelines. These include:~~

- ~~Building on the rich heritage and character of Sedro-Woolley.~~
- ~~Creating an environment that emphasizes buildings and landscaping, rather than parking and signs.~~
- ~~Supporting pedestrian movement and the use of transit and bicycles.~~
- ~~Maintaining the scale and texture of development.~~
- ~~Multifunctional features.~~
- ~~Low Impact Development techniques.~~
- ~~Encouraging creative designs for sites and buildings.~~
- ~~Allowing for infill development that is sensitive to its context.~~
- ~~Implementing the Comprehensive Plan.~~
- ~~Protecting and enhancing the city's environment for living and working in manners that support and stimulate business and industry and also promote desirability of investment and occupancy in business and other properties.~~

~~The standards and guidelines in this document intend to promote orderly community growth which will both protect and enhance property values for the community as a whole. Inherent in these objectives is the expectation that well designed projects and economic development support the community's aesthetic values while creating an environment for living and working that stimulates business and industry to promote continued investment in our local economy. In order to protect the existing environment of the City of Sedro-Woolley and to reduce potential impacts of new development and redevelopment, the use of low-impact development (LID) practices and techniques are both allowed and encouraged, provided appropriate conditions exist on a development site for the employment of such practices and techniques. The provisions of this document shall apply to all development and redevelopment within the mixed commercial, industrial, residential, Planned Residential Developments (PRD), Central Business District, the Urban Village Mixed Use Overlay and public facility developments within the City of Sedro-Woolley. Each development / redevelopment project shall be evaluated with regard to how it achieves an overall design that meets the intent and directions of the Design Standards and Guidelines. Many of the standards include examples and illustrations of ways in which the intent of the standard can be achieved. The graphic examples are meant to be examples, and are not the only acceptable means towards accomplishing the intent of the standards. Applicants and project designers are encouraged to consider designs, styles and techniques not pictured in the examples that fulfill the intent of the design standard. The standards in this~~

~~document use the word "shall" while the guidelines use the word "should." Regardless of which term is used, each standard and guideline must be addressed by an applicant. The City will expect to see how the design of a project has responded to each standard and guideline. The "shall" statements, with such wording, indicate requirements and offer relatively little flexibility unless choices are provided within the statements themselves. All projects must include these elements as described. However, the guidelines that use the word "should" are meant to be applied, but with flexibility. They indicate that the City is open to design features that are equal to, or better than, those stated - so long as the intent is satisfied. The applicant assumes the burden of proof to demonstrate how a proposed design meets the standards and guidelines and determination will be made by the City Planner.~~

EDITOR'S NOTE: Re-write this section; it is much too long, and most of the context is explained in the following sections of the document. **Lake Stevens** introduction/preface contains only 10 sentences total and is straightforward.

2. Standards and Guidelines for All Development

A) Site Design

I) Location of Parking:

Intent:
To maintain an ~~a contiguous,~~ active pedestrian ~~and non-motorized transportation~~ realm along street fronts by ~~locating~~ placing parking lots behind, below, or above buildings, except as allowed in the Additional Standards for the Mixed Commercial Zone. ~~In situations where there is one building on a property, the intention of the guideline is to encourage the parking relating to that building to be located primarily behind the building. In situations where one or more larger primary buildings are located in the interior of a property and multiple satellite pads are located adjacent to the street frontages, the intent of these guidelines is to locate the satellite pads close to the street frontage in a manner which breaks up the appearance of the parking area bulk from the viewpoint of the adjacent street frontages. In those situations where buildings and the open space adjacent to them are located near the property frontage rather than being separated from the street frontage by parking areas, the need for common space near the interior of the property is considered less essential.~~

~~**Guidelines, Encouraged:**~~ **Encouraged Standards:**

1. Commercial parking lots should be located behind, below or above buildings when feasible. Where commercial parking lots are allowed to remain in front of or beside buildings, parking lots shall provide a ~~10 foot wide~~ 10-foot-wide planting area between the parking lot and street right-of-way to include:

- ~~a year-round sight barrier;~~
- evergreen shrubs;
- evergreen ground cover;~~ and~~
- shrub material maintained at a maximum height of 3 feet for visibility.

2. Where feasible in multi-family development, parking lots should be located behind, below or above buildings in new development, or relocated behind buildings in redevelopment; though not directly adjacent to any street fronts. The front yard setbacks should be adjusted downward when the parking is placed to the rear of the units.

3. Access to multi-family parking lots located behind, below or above buildings should be provided from rear alleys, auto-courts, and/or other internal drives.

II) Parking Lot Landscaping

Intent

To reduce the visual impact of parking lots through landscaped areas and/or architectural features that ~~compliment~~ complement the overall design and character of development.

~~Standards Required:~~ Required Standards:

1. The number of trees required in ~~the~~ internal planting areas in parking lots shall be ~~dependant~~ dependent upon the location of the parking lot in relation to the building and public right-of-way:

- where the parking lot is located between the building and the public right-of-way, one tree for every five spaces shall be provided (1:5).
- where the parking lot is located to the side of the building and partially abuts the public right-of-way, one tree for every six spaces shall be provided (1:6).
- where the parking lot is located behind building and is not visible from the public right-of-way, one tree for every seven spaces shall be provided (1:7).

2. Existing trees shall be retained unless they are unhealthy, cause public safety hazards, or cannot be reasonably retained due to site specific limits.

~~Guidelines Encouraged:~~ Encouraged Guidelines:

1. Commercial parking lots are encouraged to meet stormwater drainage

requirements by using Low Impact Development (LID) techniques wherever possible and practical.

III) Parking Lot Screening

Intent

To provide screening of parking in development visible from the public right-of-way, while providing visibility for surveillance.

~~Standards Required:~~ Required Standards:

1. Parking lots that abut the public right-of-way shall be screened with one or a combination of the following treatments:

- ~~Low~~ walls made of concrete, ~~masonry,~~ or other similar material ~~and not exceeding~~ that do not exceed a maximum height of 3 feet;
- Raised planter walls ~~planted with a minimum 80%~~ of evergreen shrubs ~~not to~~ that do not exceed a ~~total~~ height of 3 feet, ~~including planter wall and landscape planting;~~
- ~~Landscape~~ plantings of deciduous trees, shrubs, and groundcover. ~~consisting of trees of which at least 80% are deciduous and shrubs and groundcover materials of which at least 80% are evergreen; or~~
- Landscaped berm with trees and evergreen shrubs.

2. Walls, fencing, and architectural details shall compliment the materials used in adjacent architectural styles.

3. Screen walls or fences located across a street or adjacent to a residential designation shall include one or more of the following:

- ~~Arbor and/or trellis structures with climbing vines;~~
- Architectural detailing, ~~contrasting materials, or other special interest; or~~
- Art

4. Walls and raised planters shall not exceed a maximum height of 3 feet, unless all ~~of~~ the following are provided:

- Screen treatment does not create a safety hazard;
- Portion of treatment that is above 3 feet in height is a minimum 75% transparent (i.e. ~~seethrough~~ transparent metal railing, trellis, or other similar treatment); and
- Portion of wall/landscape treatment that is above 3 feet in height provides added visual interest, detail, ~~and character~~ suitable to the character of the development.

5. Where walls are provided, landscape planting areas shall be a minimum width of 5 feet and shall be located adjacent to the public right-of-way.

~~6. Fencing around parking lots shall be allowed if the following conditions are met:~~

6. Fencing around parking lots shall be allowed if it does not exceed a maximum height of 6 feet, and it must be 75% transparent, and it is not made of chain link fencing.

- ~~All screen fencing should not exceed a maximum height of 6 feet, and any portion higher than 3 feet must be 75% transparent; and~~
- ~~If an alternative fence material is used such as masonry, wrought iron, or wood etc., the fence must be 75% transparent and planting should consist of at least 30% coniferous trees and evergreen shrubs/groundcovers.~~

7. All plant material used for parking lot screening shall be managed and/or selected to provide clear views between 3 and 8 feet above the ground surface, for surveillance purposes.

~~8. Chain link fencing without vinyl cladding, powder coating or similar coating over the galvanized metal coating shall not be permitted to be used to screen or enclose parking along a public sidewalk. In addition, the use of razor ribbon or barbed wire shall be prohibited.~~

~~9. Chain link fencing without coating shall not be used on any street frontage, adjacent to a public sidewalk or adjacent to a residential designation.~~

IV) Pedestrian Walkways Through Parking Lots

Intent

To provide safe, convenient, and attractive walkways for pedestrians through parking lots.

~~Standards Required:~~ Required Standards:

1. For parking lots that contain ~~greater~~ more than 20 parking spaces, pedestrian connections of no less than 5 feet in width shalle be provided with 2 or more of the folowing: ~~shall be clearly defined in a combination of 2 or more of the following ways (except as walkways cross vehicular travel lanes):~~

- 6-inch vertical curb ~~in combination with a raised walkway.~~
- Trellis, ~~special railing, bollards, and/or other architectural features to accent the walkway between parking bays.~~
- Special paving, ~~such as concrete, pavers, or LID materials if appropriate, in an asphalt area.~~
- Continuous landscape area (minimum 3 feet) ~~wide~~ on at least one side of the walkway ~~(where walkways abut a public right-of-way and/or driving aisles, the landscape area shall be provided between the walkway and the public right-of-way or driving aisle).~~

- Bollards
- Special railing
- Night lighting

2. ADA accessible connections shall be provided from ADA parking stalls to the main pedestrian walking routes and building entrances.
3. Where pedestrian walkways ~~within parking areas shall be a minimum 5 foot width of clear, unobstructed passage.~~ cross vehicular travel lanes within a parking lot, the following are required:
    - Walkways shall be raised a minimum of 3-inches and marked with contrasting colored paving to differentiate from vehicular lane
    - The vehicular travel lane shall be narrowed to the minimum width at the pedestrian crossing and provided with stop signs

~~4. Pedestrian walkways shall provide a distinct linkage between a main entrance to the building and a concentration of vehicle parking spaces in order to encourage its use by pedestrians.~~

5. When buildings are not located directly adjacent to the sidewalk, pedestrian walkways shall connect the public sidewalk in the right-of-way to the main building entrance in a clear and direct manner, regardless of the number of parking spaces. ~~Where pedestrian walkways cross vehicular travel lanes within a parking lot, walkways shall be raised a minimum of three inches (3") and marked with contrasting colored paving, pavers or equivalent to differentiate from vehicular lane. The vehicular travel lane shall be narrowed to the minimum width at the pedestrian crossing and at least two (2) of the following traffic calming techniques shall be used:~~
    - ~~Pedestrian scale lighting.~~
    - ~~Trellis or other cover extending over the walkway.~~
    - ~~Bollards at the travel lane edge.~~
    - ~~Landscape and/or hardscape features (i.e. railings, rocks, etc.) located at travel lane edge.~~
6. Where transit stops occur in the public right-of-way, pedestrian walkways shall provide a direct and clear connection from the building's main entrance to the transit stop.

~~7. Night lighting should be provided where stairs, curbs, ramps, abrupt changes in walk direction, and crossing vehicle lanes occur.~~

V) Sidewalks and Street Trees Within Public Right-Of-Way

Intent

To maintain a consistent street frontage and character for street right-of-way~~s~~.

~~**Standards Required:**~~ **Required Standards:**

1. Unless otherwise required or where larger plaza areas are provided, sidewalk paving material shall be consistent with street frontage improvements of adjacent developments. ~~The use of LID materials are encouraged, if appropriate to site conditions.~~

2. Street trees within the public right-of-way shall be located in tree grates or continuous planted area (minimum 5 feet wide unless planting area interrupts required walking width for sidewalk) between the walking route of the sidewalk and the curb edge.

3. ~~If a street has uniform planting of street trees, or a distinctive species, the new~~ Street trees shall match or compliment the ~~planting pattern~~ existing tree species.

4. Where tree grates are used, they shall be ADA accessible and of a similar size and material as tree grates found in adjacent developments~~to maintain a similar overall streetscape appearance.~~

~~**Guidelines Encouraged:**~~ **Encouraged Standards:**

1. Where street trees are planted between the walking route of the sidewalk and curb edge, root barriers, root channels, and/ or structural soils should be utilized to protect the sidewalk from possible, future root damage.

2. The use of LID materials are encouraged, if appropriate to site conditions.

VI) Curb Cut Spacing and Consolidated Driveways

Intent

To enhance pedestrian and non-motorized transportation safety by consolidating driveways, while ~~providing for~~ maintaining adequate vehicular and service access.

~~**Standards Required:**~~ **Required Standards:**

1. Minimize obstructions to pedestrian movement and the number of vehicular turning movements; expansions, redevelopments, or changes of use shall be evaluated for number, location, size, and by consolidation of vehicle access points.

2. Closely spaced adjacent driveways in the same development shall be combined for ~~combined~~ joint access, unless the City Engineer finds consolidation is impractical or will cause a hazard.

VII) Screening of Trash and Service Areas

Intent

To reduce the impact of service, loading, storage, ~~and~~ trash storage areas, and reduce attractiveness to pests.

~~Standards Required:~~ Required Standards:

1. All service, loading, storage, and trash collection areas shall be screened by a combination of masonry, wood, ~~or~~ vinyl walls, and planting areas.
2. Loading and service areas shall not face any residential district, unless no other location is possible.
3. All service, loading, storage, and trash storage areas must be designed to reduce attractiveness to pests (rats, crows, raccoons, etc.) and include method(s) to secure contents.

B) Building Design

I) Prominent Entrances

Intent

To ensure that building entrances are welcoming and easily identifiable from streets and sidewalks.

~~Standards Required:~~ Required Standards:

1. Visual prominence - the principal entry to the building shall be marked by at least one element from each of the following groups:

~~Group A~~

~~a) recess~~

~~b) overhang~~

~~c) canopy~~

~~d) portico~~

~~e) porch~~

~~Group B~~

~~a) clerestory~~

~~b) glass window(s) flanking door~~

~~c) ornamental lighting fixtures~~

~~d) large entry door(s)~~

~~Group C~~

~~a) stone, masonry or tile paving in entry~~

~~b) ornamental building name or address~~

~~c) pots or planters with flowers~~

~~d) seating~~

Group A	Group B	Group C
Recess	Clerestory	Stone Masonry
Overhang	Glass Window(s)	Building Name/Address

Canopy	Ornamental Lighting Fixtures	Pots or Planters
Portico	Large Entry Doors	Seating
Porch		

2. Weather protection - some form of weather protection shall be provided. This can be combined with the method used to achieve visual prominence.
3. Entrances shall have ADA signage for deaf, physical, and visually impaired individuals.

II) Massing

Intent
~~To reduce the apparent bulk of multi-story buildings and single-story buildings 15' or more in height, and maintain town scale by providing a sense of "base," "middle," and "top."~~ To minimize the perceived mass of multi-story buildings and single-story buildings exceeding 15 feet in height while maintaining a human-scaled town character through the visual articulation of a distinct base, middle, and top.
~~**Standards Required:**~~ **Required Standards:**
1. Buildings shall have a distinct "base" at the ground level, using articulation and materials such as stone, masonry, or decorative concrete. Distinction may also occur through the following:
   a) windows
   b) architectural details
   c) canopies
   d) bays
   e) overhangs
   f) masonry strips and cornice lines
2. The "top" of the building shall emphasize a distinct profile or outline with elements such as a projecting parapet, cornice, upper level stepback, or pitched roofline.
~~**Guidelines Encouraged:**~~ **Encouraged Standards:**
1. The "middle" of the building may be made distinct by change in material or color, windows, balconies, stepbacks, and signage.

III) Ground Level Details

Intent

To reinforce the character of the streetscape by encouraging the greatest amount of visual interest along the ground level of buildings facing pedestrian streets.

~~Standards Required:~~ Required Standards:

1. Ground-floor~~,~~ and street-facing façades of commercial and ~~mixed use~~ mixed-use buildings shall incorporate at least ~~five~~ three of the following elements:

    a) Lighting or hanging baskets ~~supported by ornamental brackets~~

    ~~b) Medallions~~

    ~~c) Belt courses~~

    d) Plinths for columns

    e) Kickplate for storefront window

    f) Projecting sills

    g) Tilework

    h) Pedestrian scale sign(s) or sign(s) painted on windows

    i) Planter box

    j) An element not listed here that meets the intent.

~~2. Building façades not facing a street shall incorporate at least three of the above mentioned items.~~

IV) Screening Blank Walls

Intent

To ensure that buildings do not display blank, unattractive walls to the abutting street or public areas.

~~Standards Required:~~ Required Standards:

1. Walls fifty or more feet in length facing streets or visible from residential areas where windows are not provided shall have architectural treatment that will be conditional upon approval by the planning staff. ~~At least four of the following elements shall be incorporated into any ground floor, street-facing façade:~~

~~a) masonry (but not flat concrete block)~~

~~b) concrete or masonry plinth at the base of the wall~~

~~c) belt courses of a different texture and color~~

~~d) projecting cornice~~

~~e) projecting metal canopy~~

~~f) decorative tilework~~

~~g) trellis containing planting~~

~~h) medallions~~

~~i) change of paint color~~

~~i) opaque or translucent glass~~

~~j) artwork~~

~~k) vertical articulation~~

~~l) lighting fixtures~~

~~m) recesses~~

~~n) an architectural element not listed above, as approved, that meets the intent.~~

2. Building designs should ~~be sensitive to and~~ compliment adjacent buildings that meet these standards and guidelines.

V) Recognizing Historical Context

Intent

To promote building design that is sensitive to the overall character of Sedro-Woolley.

~~Guidelines Encouraged:~~ Encouraged Standards:

1. New development should incorporate architectural elements that reinforce the established character of Sedro-Woolley. The following elements constitute potential existing features that could be reflected in new buildings:
   - Materials
   - window proportions
   - cornice or canopy lines
   - roof treatment
   - colors

2. When rehabilitating existing~~,~~ historic ~~buidings~~ buildings, property owners are encouraged to follow the Secretary of the Interior's Standards for Rehabilitation (see www.nps.gov).
   - if original details and ornamentation are intact, they should be retained and preserved.
   - if original details are presently covered, they should be exposed and/or repaired.
   - if original details are missing, missing parts should be replaced to match the original in appearance. Remaining pieces or old photos should be used as a guide. (See also the "Sedro-Woolley Historic District Design Standards")

3. If a proposed building is not adjacent to structures with desirable ~~other buildings having a desirable~~ architectural character, relevant contextual elements from elsewhere within the surrounding area should be considered to inform its design. ~~it may be necessary to look at contextual elements found elsewhere within the area.~~

C) Sign Design

I) Integration With Site and Building Design

Intent

To ensure that signage is part of the overall design approach to a project and not an additive element or afterthought.

~~**Standards Required:**~~ **Required Standards:**

1. The design of buildings and sites shall identify locations and maximum sizes for future signs. Multi-tenant buildings and those which could be multi-tenant buildings must submit a sign program depicting the method of sign area allowances. Revisions in the sign program may be submitted for City approval by the management of a building. ~~A part of each sign permit request shall be an explanation of how the sign complies with the sign program which shall include the building management approval of the proposed sign. As tenants install signs, it is expected that such signs shall be in conformance with an overall sign program that allows for advertising which fits with the architectural character, proportions, and details of the development.~~

2. Signs shall not project above the roof, parapet, or exterior wall.

II) Creativity/Craft and Artistry

Intent

To encourage interesting, creative, and unique approaches to the design of signs.

~~**Standards Required:**~~ **Required Standards:**

1. Internally illuminated signs with changeable letters and numbers (with the exception of gas price signs at service stations) and portable trailer signs with changeable text panels shall not be allowed.

~~**Guidelines Encouraged:**~~ **Encouraged Standards:**

1. Signs should be highly graphic in form, expressive and individualized.

2. Signs should convey the product or service offered by the business in a bold, graphic form.

3. Projecting signs, supported by ornamental brackets and oriented to pedestrians are strongly encouraged.

4. Neon may be used as an element of an overall architectural design that meets all other standards

3. Additional Standards for the Central Business District

A) Building Design

I) General Storefront Profile

Intent

Originally a several page long section with multiple paragraphs going into depth about the architectural style, “Art Nouveau.”. This section spanned pages 19-21 of the design manual.

A style known as “Art Nouveau” emerged in the last decade of the nineteenth and first decade of the twentieth centuries. Historically, storefront architecture in the /Northwest ranged from simple, wooden false fronts to sophisticated masonry facades. In every town, there is a combination of styles and interpretations resulting in an interesting collection of stylistic variations. This variety – where wood front stood next to brick, two-story next to single-story and simple next to ornate – is particularly characteristic of this era. Older photos of town scenes show this to be very apparent. This overall stylistic evidence was primarily manifested in larger cities (Chicago, San Francisco and Seattle are examples), but much of it filtered through to small towns like Sedro-Woolley.

The "Art Nouveau" style is characterized by these primary façade features:

Table 1: “Art Nouveau” Architectural Elements Table

	Ornamental Detailing	**Tall Finishes**	**Tall Fronts**	**False Fronts**
General stylized features	Decorative and elegant signage; often characterized by the “whiplash curve”	Tall windows and doors	Façades started at ground level with a narrow vertical multi-paned glass	Wood frame or masonry front involving the entire building
Common Additional stylized features	Building crowns, dentil work, cast masonry, ornamental bricks and sheet metal	Uncovering transom windows (if applicable)	Natural light frequently controlled with a retractable type awning	Decorative sheet metal working topping building with crown molding
Feature purpose	To add artistic appeal to otherwise ordinary architecture	Generates more natural lighting for the storefront	Exaggerate building height and counteract rigid, boxy shapes of buildings	False fronts were meant to both disguise triangle roofing, and provide more surface for signage and

				integration with surrounding buildings

4. Additional Standards for the Mixed Commercial Zone

A) Site Design

I) Driveways and Parking Locations

Intent

~~The intent is~~ These standards intend to create a safe, lively and attractive streetscape that encourages pedestrian and non-motorized transportation activity in the commercial zone, ~~. It is further intended~~ to reduce the number of access points onto the state highways, and to minimize the effect of parking lots from the sidewalks and streets while providing a safe line of vision in the area. See also the parking guidelines and standards in the *Standards and Guidelines for All Development* section of this document.

~~Guidelines Required:~~ Required Standards:

1. Limit Driveways ~~are limited~~ to one per 150 feet of street frontage, unless approved by city engineer. Shared driveways are encouraged.
2. Parking Screening: Parking located along a street shall ~~be screened as follows~~ meet the following standards:

- Ten (10)-foot wide planting area between the parking lot and sidewalk to include trees fifteen (15) feet on center;
- An evergreen hedge no higher than four (4) feet; and
- Additional plantings and ground cover less than four feet at maturity to provide 85% coverage at three years.

3. Commercial parking lots as a stand-alone use: Five-foot screening area including low walls, raised planter walls, landscaping and/or fencing up to four feet. Fencing up to 6 feet tall may be included if it is 75% transparent and includes a five-foot wide area landscaped area. Vinyl coated chain link fence may be ~~allowed~~ used as an element of artistically designed architectural screening. Otherwise, chain link fence (coated or uncoated) is ~~not allowed~~ prohibited between the building and any road frontage.
4. Bicycle parking: One bicycle space shall be provided for every 10 vehicle parking spaces, at least half of which must be sheltered from the weather. Bicycle parking shall be well lit and close to the building entrance.

II) Connections to Adjacent Development

Intent

The mixed-commercial zone is located primarily along the city's two state highways ~~for ease of access. The intent of~~ these standards ~~are to~~ aim to: ~~create an attractive physical environment to welcome customers and visitors; a network of safe, convenient, and attractive internal linkages for pedestrians, vehicles and non-motorized transportation between retail and mixed use developments; encourage the creation of safer commercial neighborhoods and live/work space by allowing multifamily residences in association with commercial uses; respect the existing small-town character of Sedro-Woolley with its street grid, buildings lining the street, street trees, and pedestrian scale; and provide for safe pedestrian and non-motorized transportation circulation in areas typically dominated by vehicles.~~

- Create an **attractive** physical environment to welcome customers and visitors
- Provide a network of **safe and convenient** pathways for pedestrians, vehicles and non-motorized transportation between retail and mixed use developments
- Encourage the creation of **safer neighborhoods** and live/work space by allowing multifamily residences in association with commercial uses
- Respect the existing **small-town character** of Sedro-Woolley with its street grid, buildings lining the street, street trees, and pedestrian scale

~~Standards, Required:~~ Required Standards:

1. ~~To help minimize the number of driveways on major thoroughfares and to enable ease of travel between adjacent businesses, connectivity shall be required.~~ ~~Parking areas between adjacent commercial developments shall be provided~~. Development must be well connected to help minimize the number of driveways on major thoroughfares and to enable ease of travel between adjacent businesses. Developers must provide parking areas between adjacent commercial developments per Public Works Development Standards unless otherwise approved by the City Engineer.

2. ~~Chain link fence of any type or coating may not be used~~ Developers may not use chain link fence of any type or coating to separate pedestrians from vehicular traffic or to define pedestrian walkways, unless as an element of an artistically designed architectural screening wall.

III) Common Space

Intent

This code intends to ensure that the commercial and mixed-use developments of Sedro-Woolley have a variety of places that are accessible, comfortable and appealing to the public. The property owner retains control and ownership of the space.

~~**Standards, Required:**~~ **Required Standards:**

1. Each development of over 5,000 square feet of lot or 5,000 square feet of building area shall provide at least one public space according to the following formula:

One percent of the building area plus one percent of the lot area = minimum public space.

Examples of Public Space Requirement

Lot size	Building size	Public Space
50,000	10,000	600 sq. ft.
30,000	15,000	450 sq. ft.
10,000	7,500	175 sq. ft.

2. Such common space shall be visible and accessible from a public sidewalk and should be contiguous and concentrated in one or two locations rather than scattered in small, unusable portions. It is preferred that such space be in close proximity to the main entrance of the building to take advantage of the flows of pedestrians, but developers may use other locations ~~may be considered~~ if they are visible and accessible to the public.
3. Such common space shall be provided in one or more of the following forms, as defined in this document: EDITOR'S NOTE: I recommend that the city of Sedro-Woolley expands this list.
   a) Plaza
   b) Green
   c) Courtyard
   d) Forecourt
   e) Sitting Area
   f) Widened Sidewalk
   g) Rain Garden Stormwater Treatment Area
   h) Art or Water Feature
   i) Special interest information, including historical information

The amount of area devoted to satisfying this requirement may be deducted from the amount of space otherwise devoted to parking lot landscaping.

~~4. Walking surface shall include two or more types of paving material, or treatment.~~

~~5.~~ 4. Private Open Space for Residential Portion:

b) For sites with residential uses, a minimum of 15% of the area required for landscaping and open space shall be designed as private open space for use by residents.

OR

b) Commercial developments incorporating residential uses shall have at least five percent of the building area in a common open space accessible only to residents in addition to individual open spaces such as patios or decks.

Example of residential common open space requirement

Residential size	Open space size
6,000 sq. ft. (7-8 apartments)	300 sq. ft.
20,000 sq. ft.	1000 sq. ft.

~~Guidelines Encouraged:~~ Encouraged Standards:

1. This space should be contiguous and concentrated in one or two locations, in close proximity to the main entrance of the building. The open space ~~should take advantage of sunlight~~ be designed to allow the most sunlight possible to reach the area and should include at least three of the following:

- Landscaping;
- Lighting at pedestrian scale such as bollards or other accents;
- Special paving, such as pervious paving to improve drainage;
- Public art;
- Seating;
- Water feature;
- Public information kiosk.

IV) Plazas, Courtyards, and Seating Areas

Intent

These standards intend To reinforce the pedestrian nature of Sedro-Woolley by providing usable public open space. Provide appropriately sized pathways with site amenities to create a space that is welcoming for pedestrians. Lighting and wall heights, as well as landscaping and site furnishings, should be at scale to the pedestrian, not to autos.

~~Standards Required:~~ **Required Standards:**

1. Where provided, pedestrian spaces shall be visible, well lit and accessible to the public.
2. Plazas, courtyards and other pedestrian spaces shall include at least three of the following:

- special interest planting with a wide range of plant materials including perennials and flowering shrubs. A minimum ~~65%~~ 55% of plant material used shall provide seasonal flower and/or foliage color;
- pedestrian scale, bollard, or other accent lighting;
- special paving, such as colored/stained concrete, brick or other unit paver. The use of LID materials, if appropriate to the site conditions, is encouraged;
- public art with a valuation of at least one-half of 1% of the total construction cost;
- seating, such as benches, tables, or low seating walls;
- water feature.

V) Site Furnishings

Intent
These standards intend to create a more pedestrian friendly street frontage through the use of permanent site furnishings at main pedestrian walkways, building entrances and other pedestrian areas.

~~Standards Required:~~ Required Standards
1. Permanent site furnishings, such as benches, tables and other pedestrian and non-motorized transportation amenities shall be made of durable, weather-resistant and vandal-resistant materials.
2. Permanent site furnishings shall be consistent with the overall character and appearance of the development.
3. Site furnishings shall not block pedestrian access to main walkways, open space areas and/or building entrances.
4. Lighting shall be lower than in streets and parking lots to maintain a pedestrian scale.

~~Guidelines Encouraged:~~ Encouraged Standards:
1. Permanent site furnishings, such as benches, tables, bike racks and other pedestrian amenities are encouraged to be provided at main pedestrian walkways, building entrances, plazas, open space and other pedestrian areas.

B) Building Design

I) Orientation to Street

Intent

These standards intend to ensure that buildings add to the liveliness of streets and the overall community character. Building orientation is intended to create a welcoming streetscape for users of the public right-of-way. Orienting buildings toward and/or using landscaping to buffer parking areas visible from the main arterial creates an environment that fosters pedestrian use of city sidewalks, which improves the overall perception of the streetscape as a welcoming and safe environment. Creating such areas along the main thoroughfare can improve the regional perception of the community, making the city a more attractive place ~~to shop~~ for tourism. ~~Making the Mixed Commercial zone a safe and attractive place for pedestrians and non-motorized transportation is a high priority.~~

~~Standards Required:~~ Required Standards:

1. Buildings or trees and landscaping shall be predominant, rather than parking lots and free-standing signs. EDITORS NOTE: I recommend providing a definition or visual examples of this standard.
2. Pedestrian and non-motorized transportation access to the building shall be visually and functionally clear and should offer a convenient alternative to walking through driveway entrances and exits.

~~Guidelines Encouraged:~~ Encouraged Standards:

1. People traveling along arterial streets should be able to see storefronts, windows, merchandise, and other aspects of business activity.
2. Parking should be on the opposite side of the building from the main arterial.

II) Setbacks

Intent

These standards intend To ensure the visibility of retail businesses and establish active, lively uses within close proximity to the sidewalk.

~~Guidelines Encouraged:~~ Encouraged Standards:

1. Commercial buildings should be set as close as possible to the sidewalk, instead of located behind parking lots.
2. Portions of buildings should be set as close as possible to the sidewalk or property line, which can be accomplished in various ways. For instance, major portions of single buildings should abut the sidewalk. In multi-building developments, one or more buildings should be set to the sidewalk.

3. The requirement for Common Space may be reduced in the instance where a development locates its parking area behind the building and locates the building as close as is practical to the public sidewalk and street frontage.

IV) Weather Protection

Intent

These standards intend To provide weather protection for pedestrians to ensure ease of access and use.

~~Standards Required:~~ Required Standards:

1. Where buildings are adjacent to a public sidewalk, canopies or awnings shall be provided. The minimum depth of any canopy or awning shall be 5 ft unless limited by the building code. The vertical dimension between the underside of a canopy or awning and the sidewalk shall be at least 8 ft and no more than 12 ft.
2. Weather protection can be combined with the method used to achieve visual prominence at entrances, and to protect bicycle racks.
3. Internal illumination (under-lighting) of awnings shall ~~not be allowed~~ be prohibited unless the awning material is opaque. However, pedestrian-scale lighting and other down-lighting is allowed beneath awnings.

(Note: This standard does not apply to purely residential buildings)

VI) Roofline Expression

Intent

To ensure that rooflines present a distinct profile and appearance for the building and express the neighborhood character.

~~Standards Required:~~ Encouraged Standards:

1. Commercial buildings shall include extended parapets and projecting cornices to create a prominent edge when viewed against the sky. EDITOR'S NOTE: from what angle? A visual example may help. Sloping roof elements are allowed but not required.

VII) Concealing Rooftop Equipment

Intent

These standards intend To screen view of rooftop mechanical and communications equipment where visible from the street level.

~~Standards Required:~~ Required Standards:

1. Mechanical equipment shall be screened by extended parapet walls or other roof forms that are integrated with the architecture of the building.
2. Painting equipment, erecting fences, and using mansard-type roofs are not acceptable methods of screening. EDITOR'S NOTE: Some leeway, encouraged standards, or acceptable conditions may be appropriate here.
3. Communication equipment shall be blended in with the design of the roofs, rather than being merely attached to the roof deck.

VIII) Expression at Entrances to Large Developments

Intent

These standards intend to provide a reference point at the end of a block of façades or to mark intersections or entrances to developments larger than 5 acres, by providing visual interest at their entrance to the street.

~~**Guidelines Encouraged:**~~ **Encouraged Standards:**

1. Developments at intersections should ~~emphasize this unique aspect~~ create and/or maintain a unique and recognizable facade with two or more of the following methods:

a) placement of the primary entry
b) articulation
c) towers
d) plazas
e) distinctive roof forms
f) other architectural features
g) landscaping

IX) Drive-Thru Businesses

Intent

These standards intend to reduce the impact of car-oriented drive-thru businesses on pedestrian and non-motorized transportation activity.

~~**Standards Required:**~~ **Required Standards:**

1. When the drive-thru window or stacking space/lane is located on the street side of a building, screening ~~shall be~~ is required between the driving lane/drive-thru window and the street.

~~**Guidelines Discouraged:**~~ **Discouraged Standards:**

~~1.~~ 2. Drive-thru windows should not be allowed between the building and the street.

X) Screening Blank Walls

~~**Guidelines Required:**~~ **Required Standards:**

Walls greater than fifty (50) feet in length shall use two or more of the following techniques to minimize the apparent bulk: EDITOR'S NOTE: I recommend that SW expand this list.

- Landscaping with columnar tree varieties
- Windows or other fenestration
- Material and/or texture change
- Color variation
- Setbacks or wall modulation

5. Additional Standards for Multi-Family Development

A) Site Design

I) Front Yards/Entrances

Required Standards

~~Required:~~

1. When there are common entries, they shall be clearly identifiable and visible from the street, with well-defined walkways from pedestrian routes to building entries.

2. Four or more of the following elements shall be used to highlight the main entrance to multi-family buildings that will be conditional upon approval by the planning staff.

- ~~Open space, plaza, or courtyard~~
- ~~Special paving. The use of LID materials, if appropriate to the site conditions, is encouraged~~
- ~~Ornamental gate and/or fence~~
- ~~Seating~~
- ~~Water features~~
- ~~Planter boxes or pots~~
- ~~Functional, accent lighting~~
- ~~Artwork near the entry~~
- ~~Porches~~

3. Front yards shall include an entrance sequence between the sidewalk and the building including elements such as trellises, site furnishings, low hedges, landscaped borders, and special paving.
4. Pedestrian scale lighting shall be provided to ~~create a condition of~~ improve personal security.
5. Primary building entries shall face the street. If the doorway doesn't face the street, a clearly marked walkway shall connect the entry to the sidewalk.
6. Landscaping shall screen undesirable elements such as views to adjacent ~~commercial or industrial~~ development, utility boxes, outdoor storage areas, and dumpsters.
7. Signage identifying building address shall be visible from the street and public pedestrian walkway.
8. Curb cuts shall be limited to one per one hundred fifty (150) feet of street frontage, or as determined by the city engineer.
9. Buildings and the major pedestrian entry shall be oriented towards the primary pedestrian street, or if in clusters, toward a common open space with pedestrian connection to primary pedestrian street.

II) Common Spaces/Usable Recreation Areas

Intent

To provide a friendly pedestrian environment through the creation of a variety of usable and interesting open space(s) within multifamily developments greater than 10 dwelling units.

~~Standards Required:~~ Required Standards:

1. Multi-family projects shall be sited to maximize opportunities for creating usable, well-integrated open space. Common open space shall be equal to 50% of the total ground level building area of dwellings.
2. Where provided, pedestrian spaces shall be visible and accessible to the residents.
3. Play areas or activity areas shall be designed to serve all age groups. Common outdoor spaces shall provide at least four of the following amenities to accommodate a variety of ages and activities that will be conditional upon approval by the planning staff. ~~Amenities include:~~

- ~~Site furnishings (benches, tables, bike racks)~~
- ~~Picnic areas~~
- ~~Patios or courtyards~~
- ~~Gardens~~
- ~~Open lawn with trees~~

- ~~Play field~~
- ~~Special interest landscape~~
- ~~Pedestrian scale, bollard, or other accent lighting~~
- ~~Special paving, such as colored or stained concrete, stone, brick or other unit pavers~~
- ~~Public art~~
- ~~Water feature(s)~~
- ~~Sports courts such as tennis, basketball, or volleyball~~
- ~~The use of LID materials, if appropriate to the site conditions, is encouraged.~~

4. Fifty percent (50%) of the sum of the building footprints shall be in open space, landscaping, and active play or activity areas. A portion of the required activity area may be an indoor game or activity area. Outdoor play areas shall be located within view of the living, dining, or kitchen areas of the dwellings to enable supervision.
5. Rocks, pebbles, sand, and similar non-living materials should not be used as ground cover substitutes, but may be used as accent features provided such features do not exceed a maximum 5% of the total landscape area.

~~Guidelines Encouraged:~~ Encouraged Guidelines:

6. Location of outdoor spaces should take advantage of sunlight.
7. Developers should provide o~~O~~utdoor seating opportunities ~~such as benches, seat walls, ledges, perches, boulders, artwork, etc. should be provided~~ near building entries, along walkways, and other pedestrian routes outside of parking areas.
8. Garden elements, such as trellises, arbors, hanging baskets, site furniture, and container planting are encouraged within open spaces, along pedestrian circulation routes and to define building and/or residential entrances.
9. A minimum of 40% of the landscaped area should be planted with plants other than turf or lawn.
10. Perennials and/or annuals are encouraged to provide special interest and highlight pedestrian areas such as building and/or site entrances, public open space, plazas and major pedestrian connections.

III) Individual Outdoor Spaces

Intent

To provide outdoor space that encourages a sense of ownership by residents.

~~Standards Required:~~ Required Standards:

1. Outdoor spaces such as yards, decks, terraces, and patios shall be visually shielded from each other and delineated from the street. Shielding may consist of walls, fences, berms, hedges, and landscaping.
2. Outdoor spaces used to meet these standards shall not be located within required landscape buffer areas.
3. Outdoor spaces shall not be located adjacent to dumpster enclosures, loading/service areas, or other incompatible uses.
4. Minimum of one hundred-twenty (120) square feet of attached private open space for rear or front facades of each unit, inclusive of decks, patios, other pedestrian-only areas.

~~Guidelines Encouraged:~~ Encouraged Guidelines:

1. Walls and fences used to define outdoor spaces should be a minimum of 42" high and with 75% visually permeable elements, such as open rails, ironwork, or trellis treatment to encourage interaction between neighbors.
2. Where landscape areas are provided, plant materials should be a mixture of deciduous and evergreen varieties. ~~A minimum 20% of plant varieties shall provide interesting color, texture, aroma, and/or other special interest.~~
3. Planting areas should consider the use of natives where and when feasible.

B) Building Design

I) Roof Pitch (Minimum/Maximum)

Intent

To maintain the residential scale and character of neighborhoods and to reduce visual bulk.

~~Standards Required:~~ Required Standards:

1. Structures shall ~~incorporate~~ use pitched roof forms ~~having~~ with slopes between 4:12 and 12:12.
2. Roof mounted mechanical equipment located on the exterior of the roof may be located within wells or pockets to preserve the visible rooflines. The mechanical well floor would not be subject to the slope requirement. However, in no event shall such roof mounted equipment project above the building's roof line. **~~Guidelines Encouraged:~~ Encouraged Guidelines:**

1. Gables facing the street are encouraged. 2. Dormers should be used to break up long lengths of roof

II) Building Design

Intent

To create a single large house-type structure with a single front façade shared entry and options of common side and/or rear entries ranging from two (2) to eight (8) units per building.

~~Standards Required:~~ Required Standards:

1. ~~When the building floor plans or shapes are repeated in a development phase, architectural components are changed on each building to add variety.~~ Developers change architectural components on each building when floor plans or shapes are repeated to ad variety. Examples: front façade treatments, porches and decks, bay windows, trim details.
2. Low impact development: Landscaped swales with bio-infiltration designed as part of a stormwater system is counted toward open space and landscaping minimums. (Up to 25%) Fenced detention ponds are not calculated as part of open space or landscaping minimums.
3. Attached garages shall have a minimum setback from the front building façade of 50% of the depth of the primary residential building or ten (10) feet, whichever is greater. Detached garages shall be located a minimum of 6' behind the rear building façade.

III) Windows

Intent

To maintain a lively and active street face.

~~Standards Required:~~ Required Standards:

1. Windows shall be provided in façades facing streets, comprising at least 20% of the façade area.

~~Guidelines Encouraged:~~ **Required Standards:**

1. Windows should have visually prominent trim, at least 3" in width.
2. Other decorative window features are encouraged.~~, such as~~ For example:
    a) arched window
    b) mullions
    c) awnings
    d) flower box
3. A variety of window sizes and shapes that contribute to overall composition are also encouraged.

IV Articulation of Walls

Intent

To provide visual variety along the street façade.

~~Standards Required:~~ Required Standards:

1. Buildings shall include articulation along the façades facing and visible from public rights-of-way. Flat blank walls are discouraged.
2. Horizontal façades longer than 30 ft shall be articulated into smaller units, reminiscent of the residential scale. ~~At least two of the following methods shall be included:~~ Methods shall be included that will be conditional upon approval by the planning staff.
~~a) distinctive roof forms~~
~~b) changes in materials~~
~~c) window patterns~~
~~d) color differentiation~~
~~e) recesses / offsets~~

V) Backsides of Buildings

Intent
To ensure that all sides of a building have visual interest.
~~Standards Required:~~ Required Standards:
1. Any side of the building visible from a street, public open space or alley shall be given architectural treatment using ~~two or more of the following:~~ methods that shall be included that will be conditional upon approval by the planning staff.
~~a) visible rooflines~~
~~b) windows~~
~~c) secondary entrances~~
~~d) balconies~~
~~e) architectural details mentioned under "Ground Level Details"~~
~~f) awnings~~

6. Additional Standards for Recreation Areas in Subdivisions and Multi-Family Developments

A) Site Design

I) Recreation Areas

Intent
These standards are intended to provide developers clear guidance as to the design requirements of residential recreation areas in subdivisions and multi-family developments. Residential recreation areas are ~~private parks owned and maintained by the homeowners within a subdivision and are~~ intended to provide recreational opportunities for users of all age. ~~Recreation areas shall be of sufficient~~

~~size to accommodate all of the uses required by these standards and those of the municipal code. Incorporation of recreational areas with the stormwater system required for the development is encouraged. To assure compatibility, the two uses must be shown to not interfere with the function of the other use, and the Planning Director and City Engineer must approve the combined use.~~ ~~**Standards, Required:**~~
Required Standards

1. Recreation areas shall total a minimum of 8,000 square feet. The dispersal of recreation areas on the site is allowable, but no single area shall be less than 6,000 square feet.
2. Shielded lighting shall be provided for the play area. Street lighting from the adjacent street may qualify as required lighting if the Public Works Department determines that the adjacent lighting provides sufficient illumination.

~~3. The design of the play area and the materials and equipment used in play area must meet requirements of ASTM for durability and safety. An approved soft surface is required in the fall-zone beneath and around play equipment. Many types of materials may be acceptable including pea gravel. Mulch or hog fuel is not an acceptable surface.~~

~~4. Sand boxes may not count towards required recreational equipment and are discouraged from being used in recreation areas.~~

3. The design of the play area and the materials and equipment used in the play area must meet requirements of ASTM for durability and safety. Sand boxes may not count towards required recreational equipment and are discouraged from being used in recreation areas. An approved soft surface is required in the fall-zone beneath and around play equipment. Many types of materials may be acceptable, including:

- Pea gravel.
- Mulch

~~5. Non sight-obscuring fencing, berms and landscaping or a combination of these to define the recreation area boundaries and to provide safety barrier, *if necessary*, between the recreation area and roads. This requirement is necessary if the recreation area adjoins a road classified as anything besides Local Access by the Public Works Department. The Planning Department shall determine if buffering from a local access road is necessary. For example, a recreation area located mid-block a Local Access Road or at the intersection of two Local Access roads may be required to incorporate buffering.~~

4. define Recreation area boundaries using one or more of the following:

- Non-sight-obscuring fencing
- Berms
- Landscaping

5. Provide safety barriers, if necessary, between the recreation area and roads. This requirement is necessary if the recreation area adjoins a road classified as anything besides Local Access by the Public Works Department. The Planning Department shall determine if buffering from a local access road is necessary.
6. Recreation areas shall not be located within utility corridors, ~~but are encouraged to be incorporated into stormwater management areas if plan meets design review criteria and is approved by Planning Director and City Engineer.~~
7. Recreation areas serving more that 25 lots are required to incorporate a drinking fountain.
8. The minimum dimension shall be twenty-five feet. Areas including paths that provide access to a recreation area shall be at least 20 feet in width and may not be counted towards required recreation area to improve visibility and safety.
9. Trails required as part of a regional trails plan do not count towards recreation area requirements. Trails that are voluntarily developed and connect to the regional trail plan, if approved by the Planning Director, may count up to 25% of the required recreation area requirement.
10. Seating areas and/or picnic tables.
11. Residents shall have convenient access and the recreation area shall be visible from a right-of-way or other approved commonly accessible area.
12. The design of the recreation area shall comply with the design review standards of SWMC Chapter 15.44 and any other applicable provisions of the city code.
13. Recreation areas shall be landscaped. No more than 75% of the site may be lawn.
14. At least ~~four~~ 2 of the following amenities shall be incorporated into the recreation area:

- Sports court;
- Sports field;
- Covered shelter/picnic structure;
- Site furnishings (tables, bike racks, other)
- Public art;
- Drinking fountain;
- Children’s Play equipment;
- Community garden, including raised beds;
- Water feature(s).

~~Encouraged~~ Encouraged Standards:
1. Recreation areas incorporated into stormwater management areas if the plan meets design review criteria.
2. Water features.
3. Interpretive signage associated with trails adjacent to critical areas.
4. Trellises, arbors, hanging baskets.
5. Community gardening plot.
6. Restrooms.

7. Additional Standards for Industrial Development

A) Site Design

Intent

These standards are intended to increase developer flexibility, enhance primary building entrances, to visually reduce the height, bulk, and any large expanse of undifferentiated wall surface, and to screen storage and equipment areas. ~~The standards are not intended to promote a particular architectural theme.~~ In addition, The standards are intended to create a connected roadway network which utilizes a block grid or modified grid layout~~,~~. The standards are not intended to promote a particular architectural theme. ~~recognizing the need for large vehicle maneuvering areas in this zone. Additional standards apply when adjacent to any residential zone. Less intense uses such as employee parking areas or office buildings shall be located adjacent to any residential zoning.~~

~~Standards, Required:~~ Required Standards:

1. Block length: Maximum block length shall be 1000 feet, or as determined by the city engineer. Safe pedestrian access shall connect sidewalks and parking areas to the primary building entrance through striping, material changes, or other means.
2. All off-street parking areas and vehicular travel ways shall be surfaced with asphalt or concrete. Alternative paving systems such as modular paving or pervious pavement may be used, ~~which may result in reductions being applied toward impervious surface area.~~ All paving must comply with the City of Sedro-Woolley Public Works Construction Standards.
3. Loading, Service, and Refuse Areas: All service, loading, and trash collection areas shall be screened by a combination of masonry, wood, or vinyl walls and planting areas.

Loading and service areas shall be at the rear or side of the building and shall not face any residential district unless no other location is possible.

4. The primary building entrance and any associated offices and/or sales areas shall be located on the front elevation. A minimum of ~~three~~ two items from the list shall be utilized on the front elevation:
   - a) Windows and awnings;
   - b) Wall modulation;
   - c) Significant landscape feature;
   - d) Material and/or color change on building façade;
   - e) Architectural detail;
   - f) Pedestrian amenities such as benches and tables;
   - g) Water feature;

h) Plazas and open space areas.

~~Encouraged~~ Encouraged Standards:

1. Combined driveway access points to parking lots and reducing the number of curb cuts is encouraged.
2. When possible, off-street parking shall be located on the side or to the rear of buildings.
3. Low impact development techniques are encouraged for all water quality facilities.

B) Building Design

~~Standards, Required:~~ Required Standards:

1. Prominent Entrance: Clearly delineate the primary entrance and provide weather protection through one of the following:
    - Recessed entry;
    - Overhang;
    - Canopy; or
    - Portico or porch
2. Screening Blank Walls: Walls greater than 100 feet in length shall use ~~two~~ one or more of the following techniques to minimize the apparent bulk:
    - Landscaping with columnar tree varieties;
    - Windows or other fenestration;
    - Material and/or texture change;
    - Color variation;
    - Setbacks or wall modulation
3. Equipment and facilities: Rooftop equipment, air ducts, towers, storage tanks, processing equipment, vents and other improvements or equipment shall be compatible with the building architecture or screened from adjacent properties, public streets and sidewalks.
4. Landscaped berms ~~shall be~~ required when adjacent to residentially zoned areas.
5. Existing trees shall be retained unless they are unhealthy, cause public safety hazards, or cannot be reasonably retained due to specific site locations.

~~Encouraged~~ Encouraged Standards:

1. Bicycle parking spaces provided in convenient locations to the building entrances at a ratio of one per ten vehicle parking spaces. Bicycle parking must be covered and located on a paved surface.

8. Additional Standards for Planned Residential Developments (PRD)

A) Site Design

Intent

To create open space in residential developments and to encourage imaginative site and building design by permitting greater flexibility in zoning requirements ~~than is permitted by other sections of this title~~. ~~In addition, the purpose of this section is to promote the~~ This section also promotes retention of significant natural features ~~of the natural environment~~, including waterways and views, ~~encourage~~ encourages a variety of housing types and densities, ~~encourage maximum~~ maximizes efficiency in the layout of streets, stormwater facilities, utility networks and other public improvements, ~~create and/or preserve~~ and creates usable open space for ~~the enjoyment of the~~ occupants and the general public.

I) Front Yards / Entrances

Intent

To provide separation between buildings and the public pedestrian realm where the front yard functions as usable outdoor space and provides a clear, welcoming, and safe entry ~~for pedestrians~~ from the sidewalk into the building.

~~Standards Required:~~ Required Standards:

1. Primary building entries shall be clearly identifiable and visible from the street, with well-defined walkways from pedestrian routes to building entries.
2. Landscaping shall screen undesirable elements such as views to adjacent commercial or industrial development, utility boxes, outdoor storage areas, and dumpsters.
3. Primary building entries shall face the street. If the doorway doesn't face the street, a clearly marked and well maintained walkway shall connect the entry to the sidewalk.
4. Developments which utilize a clustered arrangement shall orient buildings around a common open space with a common vehicle entrance onto the primary street.

~~5. At least 50% of the common open space shall be designed to receive at a minimum of four hours of sunlight on December 21st .~~

6. ~~Corner lots have two front setbacks.~~ For buildings on corner lots, the façade of the side of the ~~house~~ building that ~~is not the front of the building~~ does not face the front must meet the design requirements for facades facing a right-of-way as detailed under Building Design below.

~~Guidelines Encouraged:~~ Encouraged Standards:

1. Front yards should include an entrance sequence between the sidewalk and the building including elements such as trellises, site furnishings, low hedges, landscaped borders, and special paving.

2. All landscape areas should include a wide range of plant materials including perennials and flowering shrubs. A minimum of 40%~~-~~of plant material used should provide seasonal color or interest.
3. Accent lighting should be used to highlight special focal points, building~~/~~ and site entrances, public art and special landscape features, open spaces, and walkways.
4. Signage identifying building address should be visible from the street and public pedestrian walkway.

II) Design of Right-Of-Way Improvements

Intent

To Reduce speeds on local collector streets and provide safe environment for pedestrians.

~~Standards Required:~~ Required Standards:

1. Local collector streets shall be designed to ~~be narrowed~~ to narrow to the width of two lanes at intersections and at periodic locations ~~on collector streets~~. The area behind the curb at the ~~narrower road~~ narrowed sections shall be landscaped per Chapter 17.50 SWMC and/or incorporate low impact development stormwater features. Bump-out features shall be designed to accommodate street sweeping machinery.

~~Guidelines Encouraged:~~ Encouraged Standards

1. Pedestrian refuge areas in crosswalks on arterial streets.
2. Use of shared alley for access to residences when the front of the houses ~~are facing on~~ face a green space or common open space.

III) Driveways and Curb Cuts

~~Standards Required:~~ Required Standards:

1. Driveways ~~which access onto~~ accessing public streets should be shared with at least one adjacent property to minimize access points and ~~to~~ increase ~~the amount of on-street parking available~~ available on-street parking.
2. If alley access is available or can be provided within the development, vehicle access shall be from the alley with limited curb cuts.
3. Locations of driveways shall be designed into the master plan and civil construction plans for the PRD. Locations of street trees and driveway curb-cuts shall be identified at the time the civil construction plans are approved. Rolled curbs are not permitted.

IV) Individual Outdoor Spaces

Intent

To provide private, outdoor space as distinct from common spaces that encourages a sense of ownership by residents.

~~**Standards Required:**~~ **Required Standards:**

1. Outdoor spaces such as yards, decks, terraces, and patios shall be delineated from common space. ~~Delineation may consist of~~ using walls, fences, berms, hedges, and landscaping.

2. Outdoor spaces used to meet these standards shall not be located within required landscape buffer areas.

3. Outdoor spaces shall not be located adjacent to dumpster enclosures, loading/service areas, or other incompatible uses.

~~**Guidelines Encouraged:**~~ **Encouraged Standards:**

1. Walls, hedges, and fences used to define outdoor private spaces should be a minimum of 4 feet high ~~and~~ with at least 75% visually permeable elements, such as open rails, ironwork, or trellis treatment to encourage interaction between neighbors.

2. Where landscape areas are provided, plant materials shall be a mixture of deciduous and evergreen varieties. A minimum of 20% of plant varieties shall provide year-round color, texture ~~and/~~or other special interest.

B) Building Design

I) House Size in Relation to Lot Size

Intent

To ensure that single family development ~~with small lot sizes are~~ on small lots is not overbuilt.

~~**Standards Required:**~~ **Required Standards:**

1. For PRDs with single family detached houses on individual lots and duplexes on single lots, maximum lot coverage with structures shall not exceed 50% in the R-5 and R-7 zones and 35% in the R-1 zone.

2. For townhouse units on individual lots, the front and rear setback requirements will govern the lot coverage. End units on a row of townhomes shall have an eight foot side setback, except three-story townhouse buildings require a twelve foot side setback.

3. For buildings in the R-15 zone, front, rear and side setback requirements will govern the lot coverage.

II) Roof Pitch (Minimum/Maximum)

Intent

To maintain the residential scale and character of neighborhoods.

~~**Standards Required:**~~ **Required Standards:**

1. Structures shall incorporate pitched roof forms ~~having~~ with slopes between 3:12 and 14:12 (not applicable to porches and dormers).

~~Guidelines Encouraged:~~ Encouraged Standards:

1. Gables facing the street are encouraged.
2. Dormers should be used to break up long ~~lengths of roof~~ roof lengths.

III) Windows

Intent

To maintain a lively and active street face.

~~Standards Required:~~ Required Standards:

1. Windows shall be provided in façades facing streets, comprising at least 20% of the façade area. Single story, single-family buildings that include a garage door with windows shall only need to provide glazing in 10% of the façade area.

~~Guidelines Encouraged:~~ Encouraged Standards:

1. Windows should have visually prominent trim, at least 3” in width.
2. Other decorative window features are encouraged, such as:

a) arched window

b) mullions

c) awnings

d) flower box

3. A variety of window sizes and shapes that contribute to overall composition are also encouraged.

IV) Articulation of Walls and Façade Design

Intent

To provide visual variety along the street façade.

~~Standards Required:~~ Required Standards:

1. Buildings shall include articulation along the façades facing and visible from public rights-of-way. Flat blank walls are prohibited.
2. Horizontal façades longer than 20 feet ~~shall be articulated into smaller units, reminiscent of the residential scale.~~ and vertical façades of more than one story ~~of living area shall also~~ shall be articulated ~~into smaller units or the stories be otherwise differentiated~~. using at least two of the following methods: ~~shall be included:~~

a) distinctive roof forms

b) changes in materials

c) window patterns

d) color differentiation

e) recesses / offsets.

3. Garage door openings must be at least 8 feet in height.

4. Standard siding material must be used over all structural sheathing. Structural sheathing may not also ~~be the~~ serve as exterior siding.
5. A variety of siding materials shall be used on the ~~façade of the building that faces the street or other pedestrian way~~ street facing facade.
7. Eaves of 16" or greater.

~~Guidelines Encouraged:~~ Encouraged Standards:

1. Stone or brick on the building façade.
2. Covered front porches or decks.
3. Soffits under eaves.

C) Site Design

I) Location of Garages

Intent

To ensure that garage doors do not dominate street-facing façades or overshadow pedestrian entryways.

~~Standards Required:~~ Required Standards:

1. When garage doors are facing the street, they shall be set back at least 25 feet from the property line or sidewalk. Driveway slope shall not be greater than 12.5%.
2. Building setbacks from the front lot line shall be a minimum of 20 feet. Front porches may be 10 feet from property line.
3. Building floor area shall extend at least 5 feet closer to the front lot line than the face of the garage doors.
4. Where alleys exist, access to garages shall be off the alley.

~~Guidelines Encouraged:~~ Encouraged Standards:

1. When feasible, garages are to be located ~~in rear~~ at the rear of the property, or accessed from the size via a shared driveway with a 25' minimum garage setback.

Resources:

Ch. 20.25 Design Review | Bellingham Municipal Code, bellingham.municipal.codes/BMC/20.25. Accessed 30 May 2026.

Design Review Analysis Manual, cms.cityoftacoma.org/Planning/Design%20Review/Design%20Review%20Analysis%20Manual.pdf. Accessed 30 May 2026.

Design Review, www.lakestevenswa.gov/DocumentCenter/View/792/Design-Review-Handout. Accessed 30 May 2026.

"Design Review." *MRSC*, mrsc.org/explore-topics/planning/zoning/design-review. Accessed 29 May 2026.

SDCI - Design Review Report Other Cities, www.seattle.gov/documents/Departments/SDCI/About/DesignReviewOtherCities.pdf. Accessed 30 May 2026.

"Seattle Municipal Code § 23.41.004: Design Review Thresholds and Applicability." *Municode Library*, City of Seattle, librarystage.municode.com/wa/seattle/codes/municipal_code?nodeId=TIT23LAUSCO_SUBTITLE_IIILAUSRE_CH23.41DERE_23.41.002PU. Accessed 29 May 2026.

Snohomish Municipal Code, City of Snohomish, snohomish.municipal.codes/. Accessed 30 May 2026.

Design Standards & Threshold Review

City of Sedro-Woolley

Lain, Max, Anthony, Marina, Coral

1

Project Purpose & Scope

What is the problem?

Sedro-Woolley's Design Standards & Guidelines

- Difficult to navigate
- Redundant language
- Excessive historical/ background information
- Disorganized

The Design Review Threshold

- No middle ground for smaller projects
- CBD triggers review regardless of project size
- Unclear trigger criteria for all other projects

Our goals:

A cleaner, more user-friendly manual that makes compliance straightforward for developers. And a more detailed threshold that provides middle ground options for a wider variety of project types.

Our Approach

1: Design Standards & Guidelines

- Remove excessive background context
- Reformat dense lists into tables
- Correct grammatical errors
- Remove unnecessary guidelines

2: Design Review Threshold

- Evaluate Sedro-Woolley's current threshold
- Compare with other cities (Seattle, Lake Stevens)
- Propose a revised threshold with a new middle-ground tier

2

Design Thresholds

Sedro-Woolley current threshold

- Issues
  - ALL construction remodeling and alteration need review
  - ALL exterior changes need review
    - Paint color
    - Signs

15.44.020 Review authority.

A. Central Business District. All new construction, alterations, demolition, or remodeling of existing buildings, and all exterior changes, including but not limited to change in paint color or materials, windows, awnings, permanent window signs, and all other signs, except for residential dwellings not used for commercial purposes within the central business district as delineated on the city zoning map, shall comply with this chapter.

B. All Other Zones. In all other land use zones throughout the city, the following land use actions and permits shall comply with this chapter:

1. All planned residential developments;
2. All permits and land use actions which require environmental review under Chapter 2.88. (Ord. 1642-09 § 1 (Exh. A)(part), 2009: Ord. 1486-04 § 5 (part), 2004)

Example of Seattle's Design Review Threshold

- City of Seattle's table of design review thresholds
- We like that it is
  - Easy to follow
  - Easy to comply with

Table A for 23.41.004
Design review thresholds by size of development and specific site characteristics outside of downtown and industrial zones

If any of the site characteristics in part A of this table are present, the design review thresholds in part B apply. If none of the site characteristics in part A of this table are present, the design review thresholds in part C apply.

A.	Category	Site Characteristic
	A.1. Context	a. Lot is abutting or across an alley from a lot with neighborhood residential zoning. b. Lot is in a zone with a maximum height limit 20 feet or greater than the zone of an abutting lot or a lot across an alley.
	A.2. Scale	a. Lot is 43,000 square feet in area or greater. b. Lot has any street lot line greater than 200 feet in length.
	A.3. Special features	a. Development proposal includes a Type IV or V Council Land Use Decision. b. Lot contains a designated landmark structure. c. Lot contains a character structure in the Pike/Pine Overlay District.
B.	**Development on a lot containing any of the specific site characteristics in part A of this table is subject to the thresholds below.**	
	Amount of gross floor area of development	**Design review type[1]**
	B.1. Less than 8,000 square feet	No design review [2, 3]
	B.2. At least 8,000 but less than 35,000 square feet	Administrative design review
	B.3. 35,000 square feet or greater	Full design review [4]
C.	**Development on a lot not containing any of the specific site characteristics in part A of this table is subject to the thresholds below.**	
	Amount of gross floor area of development	**Design review type[1]**
	C.1. Less than 8,000 square feet	No design review [2, 3]
	C.2. At least 8,000 but less than 15,000 square feet	Streamlined design review
	C.3. At least 15,000 but less than 35,000 square feet	Administrative design review
	C.4. 35,000 square feet or greater	Full design review [4]

Suggestions for Alternatives

- Price point as a threshold for both renovation/modification and new development
- Price point as a threshold for renovation/modification, square footage as a threshold for new development

Suggestions for Alternatives

- Square footage as a threshold for both renovation/modification and new development
- Neighborhood as a condition for any of the above

Potential Revised Code Section

1) Design Review Threshold (SWMC 15.44.020)

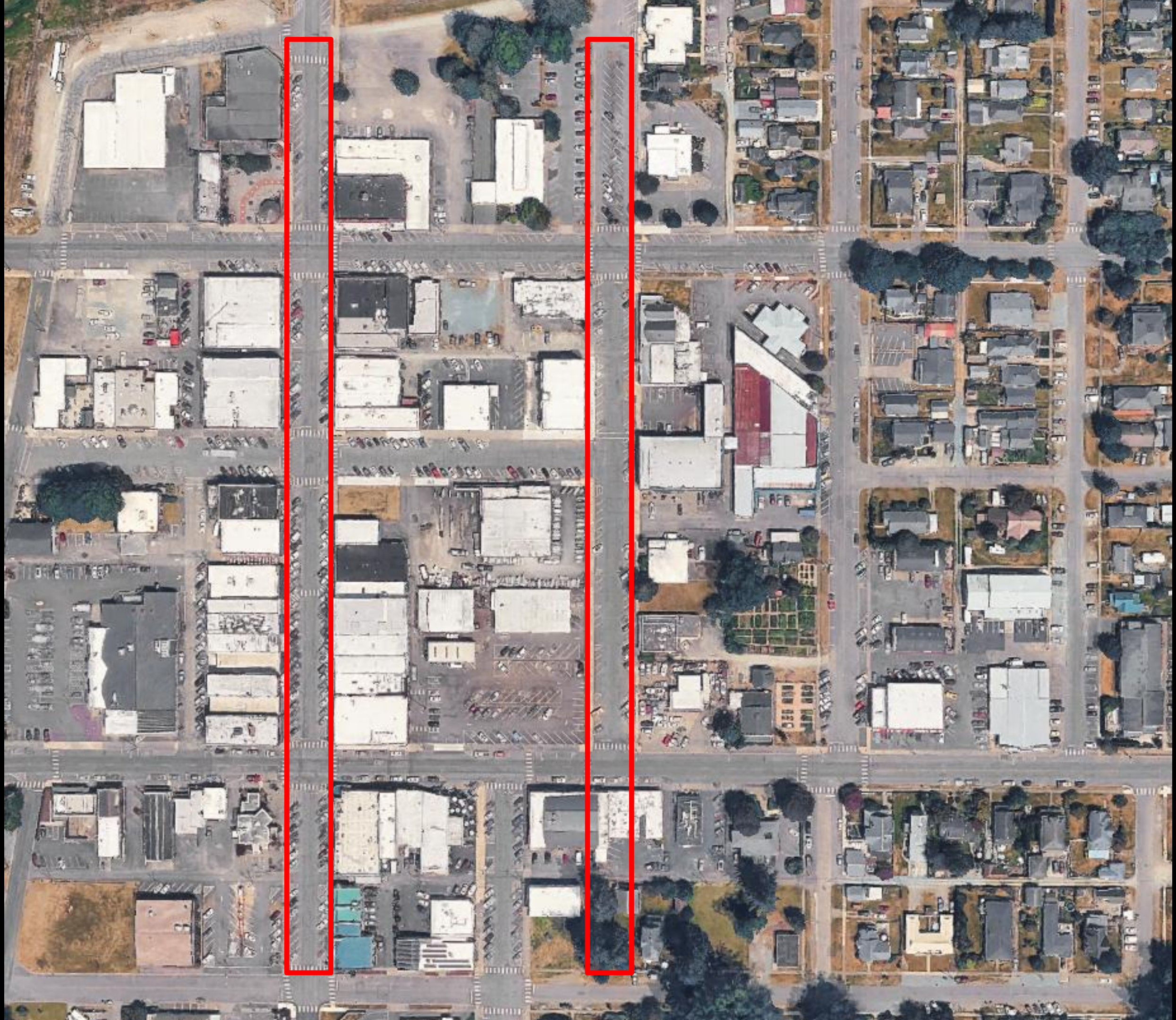
15.44.020 Review Authority:

A. Central Business District. ~~All new construction, alterations, demolition, or remodeling of existing buildings, and all exterior changes, including but not limited to change in paint color or materials, windows, awnings, permanent window signs, and all other signs, except for residential dwellings not used for commercial purposes within the central business district as delineated on the city zoning map,~~ All new construction, renovations, or development that meet any of the following thresholds in Table A shall comply with this chapter.

Potential Revised Code Section

Table A: Design Review Established

A	Category	Site Characteristic
	A.1. Context	a. Lot is abutting or across an alley from a neighborhood zone. b. Lot is abutting Metcalf or Woodworth Streets, but not further south than Warner St.
	A.2. Scale	a. Lot is greater than 2,500 square feet. b. Building height is greater than 50 feet.
B	**Type of Renovation**	**Cost Trigger**
	B.1 Exterior	a. Cost of renovation exceeds $2,000, or b. Exterior renovation can be exempt with approval from planning staff
	B.2 Interior	a. No price limit; contemporary with approval from planning staff



3

Design Standards

Lake Stevens Example

PREFACE

As discussed in the Lake Stevens Comprehensive Plan, the city of Lake Stevens has created a framework to diversify the economy and housing stock throughout the city. The development and redevelopment projected to occur provides an opportunity to improve the visual character of the city.

The proposed land uses for each subarea will complement the other and provide new areas for shopping, services, employment, and housing for surrounding neighborhoods and the greater city. The Lake Stevens Center will function as a retail center with distinct districts envisioned to contain multi-level retail, restaurant, and entertainment opportunities for the community. In comparison, the 20th Street SE Corridor will provide employment opportunities and neighborhood level retail. Downtown Lake Stevens will provide for local shopping, dining, residential and recreational opportunities in the historic heart of the city. All areas will provide opportunities for diverse higher density housing options. As planned, the subareas will provide high-quality architecture and a unique revitalized community character.

The Design Guidelines will be used in conjunction with Title 14 of the Lake Stevens Municipal Code, specifically Chapter 14.16C LSMC. The development regulations provide the prescriptive standards, while the guidelines will provide options for developing aesthetically pleasing development.

City staff developed the Lake Stevens Design Guidelines in consultation with the city boards, elected officials, and an architect team. The guidelines were developed over several months and many meetings and community workshops. The following individuals and groups were instrumental in the preparation of the guidelines.

City of Lake Stevens Planning and Community Development Staff:
Russell Wright, Community Development Director
Karen Watkins, Principal Planner (former staff)
Rebecca Ableman, Planning and Community Development Director (former staff)

City Officials:
Design Review Board
Planning Commission
City Council

Consultant: LMN Architects / Crandall Arambula (revisions)

1. Introduction to Design Standards and Guidelines

The purpose of these standards and guidelines is to produce development that meets a number of objectives.

The City encourages forward thinking designs that exceed these minimum standards and guidelines. These include:

- Building on the rich heritage and character of Sedro-Woolley.
- Creating an environment that emphasizes buildings and landscaping, rather than parking and signs.
- Supporting pedestrian movement and the use of transit and bicycles.
- Maintaining the scale and texture of development.
- Multifunctional features.
- Low Impact Development techniques.
- Encouraging creative designs for sites and buildings.
- Allowing for infill development that is sensitive to its context.
- Implementing the Comprehensive Plan.
- Protecting and enhancing the city's environment for living and working in manners that support and stimulate business and industry and also promote desirability of investment and occupancy in business and other properties.

The standards and guidelines in this document intend to promote orderly community growth which will both protect and enhance property values for the community as a whole. Inherent in these objectives is the expectation that well designed projects and economic development support the community's aesthetic values while creating an environment for living and working that stimulates business and industry to promote continued investment in our local economy. In order to protect the existing environment of the City of Sedro-Woolley and to reduce potential impacts of new development and redevelopment, the use of low-impact development (LID) practices and techniques are both allowed and encouraged, provided appropriate conditions exist on a development site for the employment of such practices and techniques. The provisions of this document shall apply to all development and redevelopment within the mixed commercial, industrial, residential, Planned Residential Developments (PRD), Central Business District, the Urban Village Mixed Use Overlay and public facility developments within the City of Sedro-Woolley. Each development / redevelopment project shall be evaluated with regard to how it achieves an overall design that meets the intent and directions of the Design Standards and Guidelines. Many of the standards include examples and illustrations of ways in which the intent of the standard can be achieved. The graphic examples are meant to be examples, and are not the only acceptable means towards accomplishing the intent of the standards. Applicants and project designers are encouraged to consider designs, styles and techniques not pictured in the examples that fulfill the intent of the design standard. The standards in this document use the word "shall" while the guidelines use the word "should." Regardless of which term is used, each standard and guideline must be addressed by an applicant. The City will expect to see how the design of a project has responded to each standard and guideline. The "shall" statements, with such wording, indicate requirements and offer relatively little flexibility unless choices are provided within the statements themselves. All projects must include these elements as described. However, the guidelines that use the word "should" are meant to be applied, but with flexibility. They indicate that the City is open to design features that are equal to, or better than, those stated - so long as the intent is satisfied. The applicant assumes the burden of proof to demonstrate how a proposed design meets the standards and guidelines and determination will be made by the City Planner.

Section 3

Intent:
To encourage and implement architectural design that is varied, aesthetically pleasing, functional and fits within local and regional vernacular, encouraging building that matches regional historic themes; to avoid large blank homogenous spaces, overbearing and out of scale forms and materials. The standards and guidelines that follow in this section are written with the intention that all street-facing facades of the first story of buildings within the downtown core have the appearance of, and be recognizable as, a commercial storefront. These standards work from and in addition to the existing Sedro-Woolley Design Standards and Guidelines. The Planning Director may make minor modifications and interpretations to design standards on a case-by-case basis.

Generally speaking, a style known as "Art Nouveau" emerged in the last decade of the nineteenth and first decade of the twentieth centuries. It was the dominant influence in painting, sculpture, architecture and what is known as "the applied" or "decorative arts". This new style was characterized by lack of straight lines and an emphasis on fluid movement within compositions. Architecturally, it can be seen most prominently in cornices, crown moldings, arched windows, belt courses, medallions, letter styles and sign shapes. Utilitarian construction of earlier years was replaced with an emphasis on craftsmanship. This overall stylistic evidence was most manifested in larger cities, (Chicago, San Francisco and Seattle are examples) but much of it filtered through to small towns like Sedro-Woolley. Remnants of beautiful crown moldings and dentil detailing are most of what remains of the original work. Efforts need to be made to uncover and restore as much as possible of what actually existed. In some cases, this original work will be readily apparent – in others it has been destroyed. In some more current buildings, it never existed at all. Each situation will have to be evaluated on its own and changes

Examples of remnant dentil detailing (left) and crown molding (right) in Sedro-Woolley's CBD

General

PARKING LOT LANDSCAPING

(ALSO APPLICABLE TO LOT STORAGE, GAS STATION APRONS, AND DRIVE-THRUS)

Intent

To reduce the visual impact of parking lots through landscaped areas and/or architectural features that compliment the overall design and character of development.

Required Standards

1. The number of trees required of internal planting areas in parking lots shall be dependent upon the location of the parking lot in relation to the building and public right-of-way:

- where the parking lot is located between the building and the public right-of-way, one tree for every five spaces shall be provided (1:5).
- where the parking lot is located to the side of the building and partially abuts the public right-of-way, one tree for every six spaces shall be provided (1:6).
- where the parking lot is located behind building and is not visible from the public right-of-way, one tree for every seven spaces shall be provided (1:7).

2. Existing trees shall be retained unless they are unhealthy, cause public safety hazards, or cannot be reasonably retained due to site specific limits.

Encouraged Standards

1. Commercial parking lots are encouraged to meet stormwater drainage requirements by using Low Impact Development (LID) techniques wherever possible and practical.

Before

PARKING LOT LANDSCAPING

(ALSO APPLICABLE TO LOT STORAGE, GAS STATION APRONS, AND DRIVE-THRUS)

Intent

To reduce the visual impact of parking lots through landscaped areas and/or architectural features that compliment the overall design and character of development.

Standards

Required:

1. The number of trees required in the internal planting areas in parking lots shall be dependant upon the location of the parking lot in relation to the building and public right-of-way:
   - where the parking lot is located between the building and the public right-of-way, one tree for every five spaces shall be provided (1:5).
   - where the parking lot is located to the side of the building and partially abuts the public right-of-way, one tree for every six spaces shall be provided (1:6).
   - where the parking lot is located behind building and is not visible from the public right-of-way, one tree for every seven spaces shall be provided (1:7).

2. Existing trees shall be retained unless they are unhealthy, cause public safety hazards, or cannot be reasonably retained due to site specific limits.

Guidelines

Encouraged:

1. Commercial parking lots are encouraged to meet stormwater drainage requirements by using Low Impact Development (LID) techniques wherever possible and practical.

After

PARKING LOT LANDSCAPING

(ALSO APPLICABLE TO LOT STORAGE, GAS STATION APRONS, AND DRIVE-THRUS)

Intent

To reduce the visual impact of parking lots through landscaped areas and/or architectural features that compliment the overall design and character of development.

Required Standards

1. The number of trees required of internal planting areas in parking lots shall be dependent upon the location of the parking lot in relation to the building and public right-of-way:
   - where the parking lot is located between the building and the public right-of-way, one tree for every five spaces shall be provided (1:5).
   - where the parking lot is located to the side of the building and partially abuts the public right-of-way, one tree for every six spaces shall be provided (1:6).
   - where the parking lot is located behind building and is not visible from the public right-of-way, one tree for every seven spaces shall be provided (1:7).

2. Existing trees shall be retained unless they are unhealthy, cause public safety hazards, or cannot be reasonably retained due to site specific limits.

Encouraged Standards

1. Commercial parking lots are encouraged to meet stormwater drainage requirements by using Low Impact Development (LID) techniques wherever possible and practical.

Here we have cleared up confusing/conflicting headlines; combining "Standards" & "Guidelines" into "Required Standards" & "Encouraged Standards". This change will be present throughout the entire document.

There are also some grammatical errors that we wanted to make touch ups to.

Table Usage & ADA Guidelines

BUILDING DESIGN

PROMINENT ENTRANCE
(NOTE: Not applicable to Industrial Development)

Intent
To ensure that building entrances are welcoming and easily identifiable from streets and sidewalks.

Standards
Required:
1. Visual prominence - the principal entry to the building shall be marked by at least one element from each of the following groups:

Group A
a) recess
b) overhang
c) canopy
d) portico
e) porch

Group B
a) clerestory
b) glass window(s) flanking door
c) ornamental lighting fixtures
d) large entry door(s)

Group C
a) stone, masonry or tile paving in entry
b) ornamental building name or address
c) pots or planters with flowers
d) seating

2. Weather protection - some form of weather protection shall be provided.
This can be combined with the method used to achieve visual prominence.

BUILDING DESIGN

PROMINENT ENTRANCE
(NOTE: Not applicable to Industrial Development)

Intent
To ensure that building entrances are welcoming and easily identifiable from streets and sidewalks.

Required Standards
1. Visual prominence - the principal entry to the building shall be marked by at least one element from each of the following groups:

Group A	Group B	Group C
Recess	Clerestory	Stone, masonry, or tile
Overhang	Glass window(s)	Ornamental name/address
Canopy	Ornamental lighting	Pots or planters with flowers
Portico	Large entry door(s)	Seating
Porch		

2. Weather protection - some form of weather protection shall be provided.
This can be combined with the method used to achieve visual prominence.

3. Entrances shall have ADA signage for deaf, physical, and visually impaired individuals.

Condensing Lists

SCREENING BLANK WALLS

Intent
To ensure that buildings do not display blank, unattractive walls to the abutting street or public areas.

Standards
Required:

1. Walls fifty or more feet in length facing streets or visible from residential areas where windows are not provided shall have architectural treatment. At least four of the following elements shall be incorporated into any ground floor, street-facing façade.
    a) masonry (but not flat concrete block)
    b) concrete or masonry plinth at the base of the wall
    c) belt courses of a different texture and color
    d) projecting cornice
    e) projecting metal canopy
    f) decorative tilework
    g) trellis containing planting
    h) medallions
    i) change of paint color
    i) opaque or translucent glass
    j) artwork
    k) vertical articulation
    l) lighting fixtures
    m) recesses
    n) an architectural element not listed above, as approved, that meets the intent.

2. Building designs should be sensitive to and compliment adjacent buildings that meet these standards and guidelines.

SCREENING BLANK WALLS

Intent
To ensure that buildings do not display blank, unattractive walls to the abutting street or public areas.

Required Standards

1. Walls fifty or more feet in length facing streets or visible from residential areas where windows are not provided shall have architectural treatment that will be conditional upon approval by the planning staff.

2. Building designs should complement adjacent buildings that meet these standards and guidelines.

Condensing Sentences

PEDESTRIAN WALKWAYS THROUGH PARKING LOTS

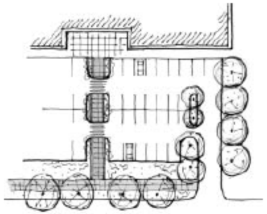
(NOTE: Not applicable to Industrial Development)

Intent

To provide safe, convenient, and attractive walkways for pedestrians through parking lots.

Required Standards

1. For parking lots that contain more than 20 parking spaces, pedestrian paths of no less than 5 feet wide will be provided with 2 or more of the following:
   - 6-inch vertical curb
   - Night lighting
   - Trellis
   - Special railing
   - Bollards
   - Special paving
   - Continuous landscape area (minimum 3 feet) on at least one side of the walkway



Walkway linking building entrance and public sidewalk

2. Where pedestrian walkways cross vehicular travel lanes within a parking lot, the following are required:
   - Walkways shall be raised a minimum of 3-inches and marked with contrasting colored paving to differentiate from vehicular lane.
   - The vehicular travel lane shall be narrowed to the minimum width at the pedestrian crossing and provided with stop signs

3. ADA accessible connections shall be provided from ADA parking stalls to the main pedestrian walking routes and building entrances.
4. When buildings are not located directly adjacent to the sidewalk, pedestrian walkways will connect to the main entrance in a direct manner, regardless of the number of parking spaces.
5. Where transit stops occur in the public right-of-way, pedestrian walkways shall provide a direct and clear connection from the building's main entrance to the transit stop.

PEDESTRIAN WALKWAYS THROUGH PARKING LOTS

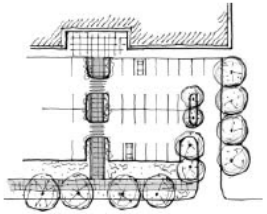
(NOTE: Not applicable to Industrial Development)

Intent

To provide safe, convenient, and attractive walkways for pedestrians through parking lots.

Required Standards

1. For parking lots that contain more than 20 parking spaces, pedestrian paths of no less than 5 feet wide will be provided with 2 or more of the following:
   - 6-inch vertical curb
   - Night lighting
   - Trellis
   - Special railing
   - Bollards
   - Special paving
   - Continuous landscape area (minimum 3 feet) on at least one side of the walkway



Walkway linking building entrance and public sidewalk

2. Where pedestrian walkways cross vehicular travel lanes within a parking lot, the following are required:
   - Walkways shall be raised a minimum of 3-inches and marked with contrasting colored paving to differentiate from vehicular lane.
   - The vehicular travel lane shall be narrowed to the minimum width at the pedestrian crossing and provided with stop signs

3. ADA accessible connections shall be provided from ADA parking stalls to the main pedestrian walking routes and building entrances.
4. When buildings are not located directly adjacent to the sidewalk, pedestrian walkways will connect to the main entrance in a direct manner, regardless of the number of parking spaces.
5. Where transit stops occur in the public right-of-way, pedestrian walkways shall provide a direct and clear connection from the building's main entrance to the transit stop.

PEDESTRIAN WALKWAYS THROUGH PARKING LOTS

(NOTE: Not applicable to Industrial Development)

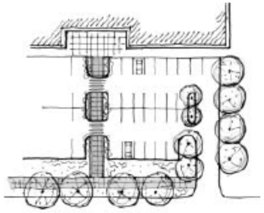
Intent

To provide safe, convenient, and attractive walkways for pedestrians through parking lots.

Standards

Required:

1. For parking lots that contain greater than 20 parking spaces, pedestrian connections shall be clearly defined in a combination of 2 or more of the following ways (except as walkways cross vehicular travel lanes):



Walkway linking building entrance and public sidewalk

- 6 inch vertical curb in combination with a raised walkway.
- Trellis, special railing, bollards, and/or other architectural features to accent the walkway between parking bays.
- Special paving, such as concrete, pavers, or LID materials if appropriate, in an asphalt area.
- Continuous landscape area minimum 3 feet wide on at least one side of the walkway (where walkways abut a public right-of-way and/or driving aisles, the landscape area shall be provided between the walkway and the public right-of-way or driving aisle).

2. ADA accessible connections shall be provided from ADA parking stalls to the main pedestrian walking routes and building entrances.
3. Pedestrian walkways within parking areas shall be a minimum 5 foot width of clear, unobstructed passage.
4. Pedestrian walkways shall provide a distinct linkage between a main entrance to the building and a concentration of vehicle parking spaces in order to encourage its use by pedestrians.
5. When buildings are not located directly adjacent to the sidewalk, pedestrian walkways shall connect the public sidewalk in the right-of-way to the main building entrance in a clear and direct manner, regardless of the number of parking spaces. Where pedestrian walkways cross vehicular travel lanes within a parking lot, walkways shall be raised a minimum of three inches (3") and marked with contrasting colored paving, pavers or equivalent to differentiate from vehicular lane. The vehicular travel lane shall be narrowed to the minimum width at the pedestrian crossing and at least two (2) of the following traffic calming techniques shall be used:
   - Pedestrian scale lighting.
   - Trellis or other cover extending over the walkway.
   - Bollards at the travel lane edge.
   - Landscape and/or hardscape features (i.e. railings, rocks, etc.) located at travel lane edge.
6. Where transit stops occur in the public right-of-way, pedestrian walkways shall provide a direct and clear connection from the building's main entrance to the transit stop.
7. Night lighting should be provided where stairs, curbs, ramps, abrupt changes in walk direction, and crossing vehicle lanes occur.

PEDESTRIAN WALKWAYS THROUGH PARKING LOTS

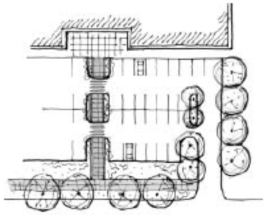
(NOTE: Not applicable to Industrial Development)

Intent

To provide safe, convenient, and attractive walkways for pedestrians through parking lots.

Required Standards

1. For parking lots that contain more than 20 parking spaces, pedestrian paths of no less than 5 feet wide will be provided with 2 or more of the following:
   - 6-inch vertical curb
   - Night lighting
   - Trellis
   - Special railing
   - Bollards
   - Special paving
   - Continuous landscape area (minimum 3 feet) on at least one side of the walkway



Walkway linking building entrance and public sidewalk

2. Where pedestrian walkways cross vehicular travel lanes within a parking lot, the following are required:
   - Walkways shall be raised a minimum of 3-inches and marked with contrasting colored paving to differentiate from vehicular lane.
   - The vehicular travel lane shall be narrowed to the minimum width at the pedestrian crossing and provided with stop signs
3. ADA accessible connections shall be provided from ADA parking stalls to the main pedestrian walking routes and building entrances.
4. When buildings are not located directly adjacent to the sidewalk, pedestrian walkways will connect to the main entrance in a direct manner, regardless of the number of parking spaces.
5. Where transit stops occur in the public right-of-way, pedestrian walkways shall provide a direct and clear connection from the building's main entrance to the transit stop.

PEDESTRIAN WALKWAYS THROUGH PARKING LOTS

(NOTE: Not applicable to Industrial Development)

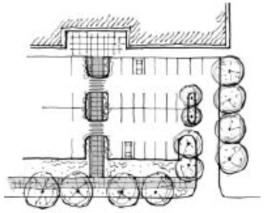
Intent

To provide safe, convenient, and attractive walkways for pedestrians through parking lots.

Standards

Required:

1. For parking lots that contain greater than 20 parking spaces, pedestrian connections shall be clearly defined in a combination of 2 or more of the following ways (except as walkways cross vehicular travel lanes):



Walkway linking building entrance and public sidewalk

- 6 inch vertical curb in combination with a raised walkway.
- Trellis, special railing, bollards, and/or other architectural features to accent the walkway between parking bays.
- Special paving, such as concrete, pavers, or LID materials if appropriate, in an asphalt area.
- Continuous landscape area minimum 3 feet wide on at least one side of the walkway (where walkways abut a public right-of-way and/or driving aisles, the landscape area shall be provided between the walkway and the public right-of-way or driving aisle).

2. ADA accessible connections shall be provided from ADA parking stalls to the main pedestrian walking routes and building entrances.
3. Pedestrian walkways within parking areas shall be a minimum 5 foot width of clear, unobstructed passage.
4. Pedestrian walkways shall provide a distinct linkage between a main entrance to the building and a concentration of vehicle parking spaces in order to encourage its use by pedestrians.
5. When buildings are not located directly adjacent to the sidewalk, pedestrian walkways shall connect the public sidewalk in the right-of-way to the main building entrance in a clear and direct manner, regardless of the number of parking spaces. Where pedestrian walkways cross vehicular travel lanes within a parking lot, walkways shall be raised a minimum of three inches (3") and marked with contrasting colored paving, pavers or equivalent to differentiate from vehicular lane. The vehicular travel lane shall be narrowed to the minimum width at the pedestrian crossing and at least two (2) of the following traffic calming techniques shall be used:
   - Pedestrian scale lighting.
   - Trellis or other cover extending over the walkway.
   - Bollards at the travel lane edge.
   - Landscape and/or hardscape features (i.e. railings, rocks, etc.) located at travel lane edge.
6. Where transit stops occur in the public right-of-way, pedestrian walkways shall provide a direct and clear connection from the building's main entrance to the transit stop.
7. Night lighting should be provided where stairs, curbs, ramps, abrupt changes in walk direction, and crossing vehicle lanes occur.

PEDESTRIAN WALKWAYS THROUGH PARKING LOTS

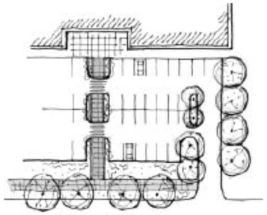
(NOTE: Not applicable to Industrial Development)

Intent

To provide safe, convenient, and attractive walkways for pedestrians through parking lots.

Required Standards

1. For parking lots that contain more than 20 parking spaces, pedestrian paths of no less than 5 feet wide will be provided with 2 or more of the following:



Walkway linking building entrance and public sidewalk

- 6-inch vertical curb
- Night lighting
- Trellis
- Special railing
- Bollards
- Special paving
- Continuous landscape area (minimum 3 feet) on at least one side of the walkway

2. Where pedestrian walkways cross vehicular travel lanes within a parking lot, the following are required:
   - Walkways shall be raised a minimum of 3-inches and marked with contrasting colored paving to differentiate from vehicular lane.
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5. Where transit stops occur in the public right-of-way, pedestrian walkways shall provide a direct and clear connection from the building's main entrance to the transit stop.

Resources

Chapter 15.44 DESIGN REVIEW | Municipal Code | Sedro-Woolley, WA | Code Publishing Library
Chapter 23.41 - DESIGN REVIEW | Municipal Code | Seattle, WA | Municode Library
Lake Stevens Design Standards & Guidelines
Sedro-Woolley Design Standards & Guidelines

Photos

- Image 1
- Image 2

Planning Commission Agenda Item

Agenda Item No.: i.2.

Date: June 16, 2026

From: Nicole McGowan, Planner

Subject: Residential Development Incentives & Flexibility: Final WWU Student Memo

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RECOMMENDED ACTION:

Information only.

BACKGROUND/SUMMARY INFORMATION:

Western Washington University and the City of Sedro-Woolley coordinated an analysis and review of the city's zoning and subdivision codes to identify opportunities for incorporating residential development incentives and flexibility into development regulations. A team of 5 students from the University's Urban & Environmental Planning & Policy (UEPP) Department spent an academic quarter conducting an in-depth study based upon the following criteria provided by the Community Development Department:

1. Review residential and mixed-use zoning (Chapters 17.08, 17.12, 17.16, 17.20, 17.21, and 17.24 SWMC), subdivision (Chapters 16.04, 16.08, and 16.12 SWMC) and planned residential development regulations (Chapter 17.43 SWMC), and regulations for legal nonconforming structures (Chapter 17.04 SWMC) in Municipal Code and identify:
    a) Where provisions could be added to incentivize construction of affordable housing (e.g. density bonuses)
    b) Where provisions could be added to retain existing housing stock (e.g. allow minor modifications to legal non-conforming single-family residences)
    c) Where provisions could be added to incentivize the transformation of existing (dilapidated) vacant structures into residential or mixed-use structures.
    d) Where provisions, programs, or partnerships could be added to support housing of individuals within 0 – 30% area median income.

2. Research affordability incentives and methods of retaining existing housing stock that similarly sized jurisdictions with similar values and goals have incorporated.
3. Research applicable state legislation.
4. Submit recommended updates to the Municipal Code.

Students produced a memo and powerpoint as a final project, included herein as **Attachment 1 and Attachment 2**, respectively.

FISCAL IMPACT, IF APPROPRIATE:
None identified at this time.

ATTACHMENTS:
1. Final Memo - Residential Development Incentives
2. Final powerpoint

Date: June 4, 2026

To: Nicole McGowan, Planner for the City of Sedro-Woolley

From: Joshua Blee, Camryn Doman Howard, Tarquin Mayhew, Ava Meeks, and Sara Quilantang

Subject: Potential Code Amendments to Support Affordable Housing in Sedro-Woolley

Commented [JN1]: Can't seem to add a comment to the header, but page numbers typically appear at the bottom of the page in these types of technical memos.

Overview:

The City of Sedro-Woolley has several goals surrounding affordable housing, including:

A. Allowing modifications to non-conforming residential property to increase occupancy and promote preservation of existing housing supply;
    A. Adding incentives for residential development in vacant commercial space downtown;
B. Creating new partnerships or programs to increase affordable housing (with an emphasis on subsidized housing which costs 0-30% of household income);
C. Identifying incentives for the construction of affordable housing.

Commented [JN2]: Changed to follow same verb tense in all bullets for consistency and readability.

Furthermore, the city and its residents desire more affordable housing, while also protecting existing green spaces, landscapes, and neighborhood character.

Methods:

First, the team met together and analyzed the different issues that were limiting affordable housing options and availability within Sedro-Woolley. After initial review, the team divided into specific focus areas for research. We created a shared document that each team member contributed to, and later reviewed and edited each other's work.

The team conducted individual research on their focus areas through a review of a multitude of non-profit housing advocacy groups' websites and the website for the Department of Housing and Urban Development (HUD).. Through research we found examples of programs that were effective at increasing affordable housing. The team met regularly to discuss the relevant issues each member was independently addressing and collaborated on suggestions.

Commented [JN3]: Discuss resources further and include citations and links.

Individually, the team reviewed current Sedro-Woolley municipal code and found the relevant areas that addressed the issues that were identified. Team members researched the Municipal Research and Services Center (MRSC) website for information on affordable housing and other Washington city codes that addressed their individual issues. The members reviewed relevant code from other Washington cities and counties, including Shoreline, North Bend, Tacoma, Poulsbo, Bellingham, Clark County, and Arlington. Using the research, members marked

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Commented [JN6]: Discuss resources further and include citations and links.

inconsistencies and sections in the Sedro-Wooley code that could be improved and made recommendations utilizing findings from other city and county codes that addressed those issues.

The team then individually wrote their individual findings and recommendations for their issue of research. The team members then copied relevant sections of Sedro-Woolley's code into the Appendix of this document. Team members wrote code suggestions utilizing redlining and strikethrough editing. The original language to be removed is shown with a strikethrough and the suggested addition is written in red. The final memo document is a group effort which each team member contributed to, then reviewed and edited the others' work.

Findings:

Commented [JN7]: Re-think use of bullets in this section. The bullets were long and hard to follow. This should be in paragraph format. Here's why what we researched, how and why, and the results.

A. Allowing modifications to non-conforming residential property to increase occupancy and promote preservation of existing housing stock:

The research team reviewed Sedro-Woolley Municipal Code Section 17.04.050 relating to legal nonconforming uses, structures, and lots. Additionally, we reviewed nonconforming structure regulations in Clark County and the City of Arlington to identify alternatives used by other Washington jurisdictions to preserve existing housing stock while maintaining zoning standards.

We found that Sedro-Woolley's current code allows legal nonconforming structures to remain in use and permits maintenance and repair activities. However, alterations or expansions generally require approval through the Conditional Use Permit (CUP). This may create an additional barrier to rehabilitation and modernization of existing housing stock, particularly when proposed improvements would not increase the existing nonconformity.

We also found that legal nonconforming status may be lost if a use is abandoned for six months or more. This timeframe may not account for situations involving insurance claims, sales and transfers, permitting, or major projects that can temporarily delay occupancy while a structure is being improved or restored. The existing 75% Fair Market Value loss ceiling is in line with other municipalities' Nonconforming code that the team examined, but the restriction for rebuilding should be limited to 12 months for completion or the obtaining of a building permit.

In addition, Section 17.04.050 provides little guidance regarding what types of maintenance, repair, remodeling, or modernization activities are allowed without additional review. The absence of standards can create uncertainty for property owners seeking to improve older homes and may discourage investment in existing housing stock.

By comparison, Clark County and the City of Arlington provide more detailed standards governing legal nonconforming structures. These jurisdictions allow maintenance, repair, and certain modifications while prohibiting increases in the degree of nonconformity. Rather than prohibiting all alterations, these codes prevent additional encroachment into setbacks, prevent increased height nonconformity, and do not allow increased lot coverage nonconformity or the creation of new nonconformities. This provides guidance for property owners and City staff while preserving the intent of zoning regulations. Clark County also had a diagram in their code regarding nonconformities that we included in the Recommendations section for reference. Such a diagram may promote understanding of what may be allowable without creating an increase in nonconformity.

B. Adding incentives for residential development in vacant commercial space downtown:

After reviewing Sedro-Woolley's current code, we noticed some areas of improvement. First, in Chapter 17.43, Planned Residential Developments (PRD) are only allowed in the residential zones: R-1, R-5, R-7, and R-15. Also, the current approval process is lengthy and contains strict approval criteria such as setback requirements. Next, we researched code for PRD and infill provisions in other municipalities throughout Washington.

First, the City of Bellingham's Municipal Code (BMC) allows for the reduction of setbacks upon certain criteria. The front and flanking setbacks may even be eliminated if the PRD is located directly across from commercial, public, or institutional uses. Other examples include if parking is located on side or rear of building, a pedestrian entrance on front, or even if the building includes uses in addition to residential (§20.38.050). This further promotes affordability using mixed-use development.

Next, the team examined the City of Poulsbo and found that it allows PRDs in zones other than just residential areas. This allows the city to integrate uses and create more housing in commercial zones (§ 18.80.090). Like Sedro-Woolley's code, it prioritizes open space requirements and adequate parking. However, the team thought this could be a useful implementation to Sedro-Woolley's code to incentivize developers to consider infill projects.

We were informed about the concern of vacant 2nd and 3rd stories of buildings in the Central Business District (CBD). We reviewed Sedro-Woolley's current code, Chapter 17.24.010, and found that it mandates a minimum of 75% of the ground floor in the CBD must be designated for commercial and/or retail use. We wanted to find a way to incentivize the use of these vacant stories for residential use by reducing the percentage of required commercial and/or retail use on the bottom floors. The 75% seemed too high, and we were advised not to lower it below 50% to ensure the economic health of the CBD.

Commented [JN8]: Spell out.

While reviewing the MRSC website, the team found examples of Washington State cities that have implemented programs to incentive the conversion of vacant office buildings into residential uses. We found that the City of Spokane has a Commercial Conversion Incentive program for the conversion of underutilized commercial property into affordable housing. Under Chapter 82.59 RCW, in coordination with local government, the Department of Revenue (DOR) can issue a sales and tax deferral certificate for the conversion of existing, underutilized commercials to create at least four multifamily units. Using the tax deferral certificate, a property owner does not have to pay sales or use taxes on the construction costs of residential improvements, but the property owner would still pay sales and use tax on non-residential improvements, like the commercial portion of a mixed-use building (Spokane City). To be eligible for Spokane's Commercial Conversion Incentive, buildings must be:

- "Underutilized commercial property" is an entire property, or proportion thereof, currently used by a business for retailing or office-related or administrative activities;
- In mixed-use buildings only the ground floor may be utilized as commercial;
- DOR will generally presume that vacant land does not qualify as underutilized commercial property.

The city of Spokane also has a Multi-Family Tax Exemption (MFTE). Under Chapter 84.14 RCW, the local government can give exemptions for new construction, conversion, and rehabilitation of multifamily residential improvements with at least four units (Spokane City). Spokane allows developers to apply for the commercial conversion sales tax deferral and the MFTE concurrently before building permits are issued. The MFTE is also a useful tool used in the City of Bellingham, and part of its infill toolkit which strives to create more affordable housing (City of Bellingham).

Commented [JN9]: Provide specific code citations and links.

C. Creation of new partnerships or programs to increase affordable housing (housing which costs 0-30% of household income):

The new Housing Element of the Sedro-Woolley Comprehensive Plan supports low-income households broadly. But it does not identify specific implementation tools for residents at 0–30 percent of Area Median Income (AMI), who face the greatest housing deficit in the city. Early research shows that several stabilization models are used in comparable Washington cities. These include shallow rent subsidies, utility arrearage forgiveness, and emergency housing stability funds, could be adapted locally to prevent displacement among extremely low-income households.

Preservation strategies such as weatherization, health and safety repairs, and small landlord repair grants tied to affordability commitments offer a practical way to maintain naturally occurring affordable housing. These approaches help extend the life of existing units while keeping them accessible to households with the lowest incomes.

Rapid unit creation strategies also show promise, such as motel and hotel conversions funded through the state's Rapid Capital Housing Acquisition (RCHA) program. This program presents a viable pathway for producing deeply affordable units more quickly than new construction. More so, when paired with nonprofit operators experienced in supportive or transitional housing.

D. Identifying incentives for the construction of affordable housing:

Sedro-Woolley's code contains potential housing cost restriction mechanisms but does not provide incentives for developers to construct or include affordable units. Maximum density guidelines, lot coverage allowances, and required recreation area requirements in zones R-5, R-7, and R-15 limit the construction of denser housing types and affordable units.

Similarly sized jurisdictions such as Shoreline have implemented inclusionary affordable housing tied to density bonuses. Small towns intent on preserving neighborhood character while incentivizing denser construction such as North Bend have implemented form-based design codes.

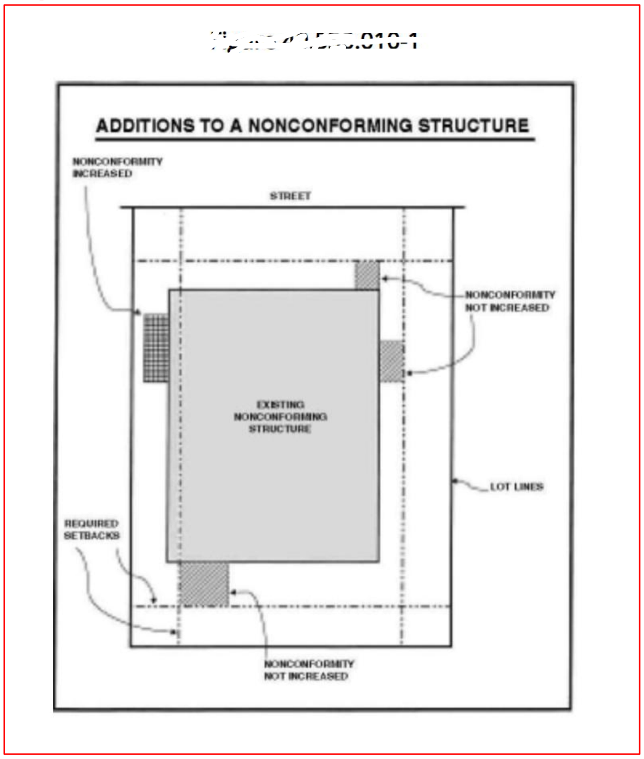
Recommendations:

Commented [JN10]: Tie these recommendations to specific code provisions included in appendix.

A. Allowing modifications to non-conforming residential property to increase occupancy and promote preservation of existing housing stock:

1. SWMC 17.04.030. Include "increase in nonconformity" and “nonconforming” in the Definitions section.
2. SWMC 17.04.050(A1,A2). Amend code to allow for administrative review for certain modifications to legal nonconforming residential structures. The City should allow administrative review rather than Conditional Use Permit (CUP) review for modifications that do not increase the degree of nonconformity.
3. SWMC 17.04.050(A3). Allow interior remodeling and reconfiguration within the existing building envelope. If there is no increase in the building footprint, allowing interior reconfiguration and remodeling may allow for the preservation of existing housing stock.
4. 17.04.030 and 17.04.050. Develop a “no increase in nonconformity” standard for modifications. The City should consider similar requirements adopted by the cities of Arlington and Shelton. The proposed language would allows modifications to nonconforming structures, provided the modification does not result in an increase in nonconformity.
5. 17.04.050(A4). Specify that maintenance, repairs, and upgrades are permitted on nonconforming structures. Expressly allow maintenance and repair, re-roofing, plumbing, electrical, weatherization, and other upgrades that do not result in an increase in nonconformity.
6. 17.04.050. Clarify that the existence of a legal nonconforming residential structure does not preclude establishment of an accessory dwelling unit (ADU) otherwise permitted by state law and local code, provided the ADU does not increase the degree of nonconformity.
7. 17.04.050(B). Modify the six-month abandonment window to twelve months.
8. 17.04.050(C). Specifically allow for rebuilding of legal nonconforming structures that are damaged less than 75%, as long as an application for a building permit is submitted within one year of damage.
9. Include a diagram of allowed additions to nonconforming structures like the one contained in the Clark County code:

Example from Clark County Code



B. Add incentives for residential development in vacant commercial space downtown

1. Reducing Setbacks
   First, as seen in Bellingham's municipal code (BMC) (§ 20.38.050), we suggest reducing the setbacks to allow for more affordable housing. Reducing setbacks will lower the land cost per unit and allow more units to be built on a parcel of land. Currently, Sedro-Woolley has minimum setbacks of 10 feet for the front, side, and rear. Bellingham's code allows for complete elimination of setbacks if certain criteria are met. Sedro-Woolley could implement similar criteria for commercial zones.

2. Planned Residential Developments in Multiple Zones
   City of Poulsbo (§ 18.80.090) allows PRDs in different zones. In commercial zones, the city has Planned Mixed-Use Development (PMUD) to integrate retail, service, office, and residential. We suggest that Sedro-Woolley adopt a more flexible code for

Commented [JN11]: Bullets are also choppy and hard to follow in places within this section. Reconsider use of bullets throughout this section? Maybe use sparingly? Maybe start with a paragraph of good examples and then how to apply those to Sedro?

Commented [JN12]: Citation?

PRDs. This would encourage the infill of vacant commercial spaces, and the creation of more affordable housing.

3. Multi-Family Tax Exemption (MFTE) Program
Another tool Bellingham and Spokane use to incentivize residential development is MTFE (Spokane City). A recent update increased the minimum project size from 4 to 5 or more housing units. This program allows property tax exemption to developers who build more affordable housing. These exemptions last for 8, 12, or 20 years, and each require different levels of Affordability. In Sedro-Woolley, this could be a strong incentive for developers to develop vacant commercial spaces. Furthermore, in BMC, the use of the MFTE program is outlined in Ch. 17.82.030 “Tax exemptions for multifamily housing in targeted residential areas” (§17.82.030). Below in the appendix, our team outlined an example of code inspired by Bellingham.

4. Decrease Lower Ground Floor Commercial Area Requirements in Central Business District (CBD)
Another recommendation is that Sedro-Woolley amend the current CBD zoning to lower the mandatory ground-floor commercial area requirement from 75% to 50%, strictly limited to projects meeting specific criteria (deed restricted affordable housing, developer partners with affordable housing organization, or % of units are affordable).

5. Affordable Housing Sales and Use Tax Deferral Program
After reviewing Spokane’s Commercial Conversion Incentive, a recommendation for Sedro-Woolley would be to adopt a local city resolution establishing an Affordable Housing Sales and Use Tax Deferral program.

Commented [JN13]: Provide citation.

C. Create new partnerships or programs to increase affordable housing (housing which costs 0-30% of household income)

1. Pilot a shallow rent subsidy program targeting 25–40 extremely low-income households. This would create a fixed monthly subsidy ($150–$300) paid directly to landlords to prevent displacement.
2. Establish a Small Landlord Repair & Affordability Program offering $5k–$15k repair grants in exchange for 5–10 years of affordability commitments on naturally occurring affordable units.
3. Pursue a RCHA funded motel conversion. First, identify 1–2 candidate properties. Next, start discussions with Skagit County and a nonprofit operator about a micro-unit or supportive housing conversion.

4. Develop formal partnership agreements with Skagit Housing Authority and local nonprofits. These partnerships should clearly define who funds, operates, and/or administers stabilization, repair, and supportive housing programs.

D. Identifying incentives for the construction of affordable housing

1. Implement definition of affordable housing in 17.04.030 to include definition of affordable housing in zones R-5, R-7, and R-15. This definition should allow for income restricted units to either 0-30% or 60% of area median income (AMI).
2. Create and implement a table in 17.04.030. The table should outline increased density bonuses tied to including cost restricted lower AMI units with increased incentives for lower restricted AMI units. For readability, also include these increases within R-5, R-7, and R-15 density requirement sections, respectively.
3. Create a three-tiered permit system for affordable unit density bonuses in zones R-5, R-7, and R-15:
   - To preserve neighborhood character, we propose that denser affordable housing in R-5 is placed under conditional uses under section 17.08.010, up to the discretion of the city.
   - For zone R-7, we propose a community driven form-based design code that denser affordable housing developments must abide by. In doing so, developers will have a degree of assurance that their projects will be approved, and existing residents can be assured that neighborhood character will be under their control. If in compliance with these community driven design guidelines and including affordable units, affordable housing developments are designated a permitted use under section 17.12.010. Given the preliminary nature of our suggestions as they are done without community consultation or a design chapter; R-7 specificities in the appendix are left with a blank underline (____).
   - Given R-15's current makeup consisting of denser developments, we propose that denser affordable units are an outright permitted use under section 17.16.010.
4. Increase maximum lot coverage for developments with income and cost restricted units to allow for increased developer flexibility.
5. Amend section 17.38.010 so that recreation area requirements don't apply to developments with income restricted units. This allows for increased developer flexibility.

Summary:

To summarize, this memo goes over the goals, methods, and recommendations we have for the city of Sedro-Woolley, in respect of affordable housing provisions. To review, these are each of the goals that the team expanded on in detail:

A. Allowing modifications to non-conforming residential property to increase occupancy and promote preservation of existing housing supply stock

B. Adding incentives for residential development in vacant commercial space downtown
C. Creating new partnerships or programs to increase affordable housing (with an emphasis on subsidized housing which costs 0-30% of household income); and
D. Identifying incentives for where provisions can be added to incentivize the construction of affordable housing

Together, these recommendations seek to expand housing opportunities, preserve existing housing stock, encourage redevelopment of underutilized properties, and support households across a range of income levels. While maintaining the overarching goal of Sedro-Woolley's community character. In the appendix below are specific code provisions to achieve each of these goals.

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Appendix:

3.14 Additional Sales and Use Tax for Affordable and Supportive Housing

Tax exemptions for multifamily housing in targeted residential areas.
3.14.10 Purpose
A. *Purpose.* Limited exemptions from property taxation for multifamily housing in urban centers are intended to:
1. Provide economic incentives enabling increased residential housing choices and opportunities, including affordable housing opportunities, within urban centers designated by the city council as targeted residential areas;
2. Stimulate new construction or rehabilitation of existing vacant and underutilized buildings for multifamily housing in targeted residential areas to increase and improve housing opportunities, including affordable housing;
3. Assist in directing future population growth to designated urban centers with existing available infrastructure thereby reducing development pressure on neighborhoods lacking infrastructure capacities; and
4. Achieve development densities which are more conducive to transit use in designated urban centers.
3.14.12 Applicability
B. *Duration of Exemption and Affordability.* For properties for which applications for certificates of tax exemption eligibility are submitted under Chapter 84.14 RCW on or after July 22, 2007, the value of improvements qualifying under this chapter will be exempt from property taxation as follows:
1. For eight successive years beginning January 1st of the year immediately following the calendar year of issuance of the final certificate of tax exemption; or
2. For 12 successive years beginning January 1st of the year immediately following the calendar year of issuance of the final certificate of tax exemption, if the property otherwise qualifies for the exemption under Chapter 84.14 RCW and meets the conditions in this subsection. For the property to qualify for the 12-year exemption under this subsection, the applicant must commit to renting or selling at least 20 percent of the multi-unit housing units as affordable housing units as set forth below:

    a. *Owner Occupancy.* In the case of projects intended exclusively for owner occupancy, the minimum requirement may be satisfied solely through housing affordable to moderate-income households during the authorized exemption period.

    b. *Rental Occupancy.* In the case of projects intended for rental occupancy, the minimum requirement must be satisfied solely through housing available to households whose adjusted income is at or below 80 percent of the median family income adjusted for family size for Skagit County, except that co-living units must be available to households whose adjusted income is at or below 50 percent of the median family income adjusted for family size for Skagit County.

17.04.030 Definitions.

Commented [JN15]: Does this go in definitions or another part of the code? Seems more like a standard than a definition.

...

"Increase in Nonconformity" means any alteration, enlargement, expansion, reconstruction, or modification that increases the extent to which a structure, use, or lot fails to comply with current zoning requirements.

...

"Nonconforming" means any use of land, buildings, or structures that was lawfully established in accordance with applicable regulations at the time of its establishment, but which no longer conforms to the use regulations of the zoning district in which it is located due to subsequent amendments to this title or changes in zoning classification.

...

Table 1

	0-30% AMI	0-60% AMI
R5 *Maximum density increased from 5 units/acre to 9*	Each unit restricted to those earning 0-30% AMI shall permit 2 additional market-rate units.	Each unit restricted to those earning 0-60% AMI shall permit 1 additional market-rate unit.
R7 *Maximum density increased from 7 units/acre to __*	Each unit restricted to those earning 0-30% AMI shall permit 2 additional market-rate units.	Each unit restricted to those earning 0-60% AMI shall permit 1 additional market-rate unit.
R15 *Maximum density increased from 15 units/acre to 22*	Each unit restricted to those earning 0-30% AMI shall permit 2 additional market-rate units.	Each unit restricted to those earning 0-60% AMI shall permit 1 additional market-rate unit.

"Permanent affordable housing" means housing , regardless of ownership, for which there is a legally binding, recorded document in effect that limits the price at which the owner may sell or restricts the occupancy of the unit to a qualified, low-income household, for a period of at least forty years for a property used for shelter or rental housing, or for a period of at least twenty-five years for a property to be owned by a low-income household. For the purposes of affordable housing density bonuses outlined in section 17.08, 17.12, 17.16, and outlined in table 1, permanent affordable housing refers to units restricted to 60% AMI or below, and 30% or below when explicitly stated. These documents include, but are not limited to, affordability covenants, deed restrictions, and community land trust leases. Resale restrictions exercised by providers of permanently affordable housing can include, but are not limited to:

1. Continuous ownership of land by a public entity or nonprofit housing provider with a lease allowing ownership of the structure by an income-eligible household;

2. A nonpossessory interest or right in real property, such as a deed restriction, restrictive covenant, resale restriction, or other contractual agreement, that ensures affordability.

Commented [JN16]: Appendix should be a redline of existing code, not additional commentary. If commentary is necessary, include in memo above.

17.04.050 Nonconforming uses, structures, and lots.

Uses, structures and lots not conforming to the provisions of this title may continue if legally existing at time of adoption of the ordinance codified in this title or at time of annexation to the city if annexed subsequent to adoption, provided that:

A. Legal nonconforming uses and structures shall not be enlarged, altered or expanded in such a way that would result in an increase in nonconformity unless such modification is approved through the conditional use permit process.

1. A modification shall not be considered an increase in nonconformity unless it:

a. Increases an existing setback encroachment;

b. Increases an existing height nonconformity;

c. Increases an existing lot coverage nonconformity; or

d. Creates a new nonconformity not previously existing;

2. Modifications to a legal nonconforming structure that does not result in an increase in nonconformity may be approved through administrative review.

3. Interior remodeling, modernization, reconfiguration of living space, addition of bedrooms, and establishment of an accessory dwelling unit otherwise permitted by state law and this title within a legal nonconforming residential structure may be approved through administrative review, provided such modification does not result in an increase in nonconformity.

4. Ordinary maintenance, repair, reroofing, weatherization improvements, plumbing, electrical, mechanical, and similar upgrades shall be permitted provided such work does not result in an increase in nonconformity.

B. Legal nonconforming uses shall lose such status if abandoned for a period of ~~six~~ twelve months or more;

C. Legal nonconforming structures may be maintained and repaired unless destroyed or damaged so as to have their fair market value reduced by seventy-five percent or more, in which case they shall lose legal nonconforming status. Structures damaged less than seventy-five percent of fair market value may be reconstructed to their pre-damage dimensions and footprint, provided reconstruction does not result in an increase in nonconformity and a building permit application is submitted within twelve months of date of damage;

D. Use and development of legal nonconforming lots shall be in accordance with all current regulations, including setback requirements; and

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E. If question arises as to whether a use, structure or lot enjoys legal nonconforming status, the burden of proof shall be on the property owner to provide the necessary documentation. (Ord. 1013 § 1.05, 1985)

17.08.010 Use restrictions.

Use restrictions in the residential R-5 zone shall be as follows:

A. Permitted Uses.

1. One single-family residence per lot;
2. Low-intensity agriculture;
3. Home occupations in compliance with Chapter 17.68;
4. Child day care centers meeting state requirements;
5. Adult or family day care facilities meeting state requirements;
6. Accessory dwelling units in compliance with Chapter 17.100.

B. Conditional Uses.

1. Planned residential developments
2. Group homes;
3. Permanent affordable housing in compliance with Chapter 17.04.030;
4. Mobile and manufactured home parks in compliance with Chapter 17.48;
5. Personal services;
6. Professional offices with no outside storage;
7. Outdoor recreation facilities;
8. Public utilities, excluding wireless communication facilities;
9. Quasi-public uses;
10. Public uses.

C. Prohibited Uses. All uses not listed above, including adult entertainment and wireless communication facilities. (Ord. 1954-20 § 1 (Exh. A)(part), 2020; Ord. 1484-04 § 4 (part), 2004: Ord. 1312-98 § 1 (part), 1998: Ord. 1013 § 2.01.01, 1985)

17.08.040 Maximum density requirements.

A. The maximum gross density requirement in the R-5 zone is five units per acre (Ord. 1484-04 § 4 (part), 2004: Ord. 1312-98 § 1 (part), 1998);

B. Maximum gross density for affordable housing, as defined in table 1 in section 17.04.030, is 9 units per acre.

17.08.050 Maximum lot coverage.

Maximum lot coverage requirements in the residential R-5 zone shall be as follows:

A. Thirty-five percent; Coverage for affordable housing developments increased to sixty percent;

B. Variances from the maximum lot coverage requirement are permitted, if the applicant can demonstrate that the proposed coverage does not exceed the average lot coverage of lots within one hundred feet of the parcel. Lot coverage can be equal to the average lot coverage but cannot exceed it. (Ord. 1484-04 § 4 (part), 2004: Ord. 1312-98 § 1 (part), 1998). This subsection does not apply to developments qualifying as affordable housing under subsection A.

17.12.010 Use restrictions.

Use restrictions in the residential R-7 zone shall be as follows:

A. Permitted Uses.

1. One single-family residence per lot;

2. Low-intensity agriculture;

3. Home occupations in compliance with Chapter 17.68;

4. One duplex per lot with nine thousand square foot minimum lot size, in compliance with the requirements set forth in this chapter, which meet the following requirements, in addition to any other requirements imposed by ordinance;

a. Be situated on a lot of not less than nine thousand square foot minimum size, with a minimum width of eighty feet at the building line, a minimum depth of one hundred feet, and a minimum lot frontage on a public street of twenty feet;

b. Provide off-street parking for four vehicles;

c. Be designed to resemble a single-family residence so as to blend in with the design and appearance of the surrounding residences in the neighborhood;

d. No more than one duplex shall be allowed per any three successive lots adjoined by side property lines as defined in Section 17.04.030.

Exception: Lots which have twenty feet or less frontage on the public street shall not be required to be counted on a successive lot. This exception is intended to allow successive duplexes if located behind single-family lots.

5. Child day care centers meeting state requirements;

6. Adult or family day care facilities meeting state requirements;

7. Accessory dwelling units in compliance with Chapter 17.100.

8. Permanent affordable housing in compliance with Chapter 17.040.030 and form-based code chapter.

17.12.040 Maximum density requirements.

A. The maximum gross density requirement in the R-7 zone is seven units per acre (Ord. 1484-04 § 5 (part), 2004: Ord. 1312-98 § 1 (part), 1998; Ord. 1222-95 § 3, 1995);

B. Maximum gross density for affordable housing in compliance with form-based code chapter is ___ units per acre, as defined in table 1 in section 17.04.030.

17.12.050 Maximum lot coverage.

Lot coverage is the percent of the lot covered by structures including the main and all accessory buildings. Maximum lot coverage requirements in the residential R-7 zone shall be as follows:

A. Fifty percent; Coverage for affordable housing developments, when in compliance with form-based code chapter, increased to ___;

B. Variances from the maximum lot coverage requirement are permitted, if the applicant can demonstrate that the proposed coverage does not exceed the average lot coverage of lots within one hundred feet of the parcel. Lot coverage can be equal to the average lot coverage but cannot exceed it. (Ord. 1484-04 § 5 (part), 2004: Ord. 1312-98 § 1 (part), 1998: Ord. 1264-06 § 1, 1996: Ord. 1222-95 § 4, 1995). This subsection does not apply to developments qualifying as affordable housing under subsection A.

17.16.010 Use restrictions.

Use restrictions in the R-15 zone shall be as follows:

A. Permitted Uses.

1. Multifamily residential uses up to eight units per building or up to twelve units per building if the building is three stories and the units are evenly distributed between the three floors;
2. One single-family residence per lot;
3. Low intensity agriculture;
4. Home occupations in compliance with Chapter 17.68;
5. Group homes;
6. Dependent relative cottages;
7. Professional offices;
8. Child day care centers meeting state requirements;
9. Planned residential developments;
10. Adult or family day care facilities meeting state requirements;
11. Accessory dwelling units (ADUs) in compliance with Chapter 17.100;

12. Permanent affordable housing in compliance with Chapter 17.04.030.

17.16.040 Maximum density requirements.

A. Minimum net density in the R-15 zones is four units per acre. Maximum gross density is fifteen units per acre (Ord. 1484-04 § 6 (part), 2004: Ord. 1312-98 § 1 (part), 1998);

B. Maximum gross density for affordable housing in the R-15 zone, as defined in table 1 in section 17.04.030, is 22 units per acre.

17.38.010 Required Recreation Areas

New developments of more than seven dwelling units (including but not limited to new subdivisions, planned developments and mobile home parks) shall be required, as a condition of approval, to provide a minimum of eight thousand square feet of unpaved, usable open space with lawn or other soft surface for an outdoor recreation area, plus an additional one hundred square feet of usable open space for each additional unit beyond the initial twenty-five units, except that this requirement does not apply to residential development which is secondary to a commercial use in the central business district.

New multifamily developments of more than four units and less than nine units shall be required, as a condition of approval, to provide four thousand square feet of unpaved, usable open space with lawn or other soft surface for an outdoor recreation area, except that this requirement does not apply to residential development which is secondary to a commercial use in the central business district. New multifamily developments of nine units or more shall be required, as a condition of approval, to provide eight thousand square feet of unpaved, usable open space with lawn or other soft surface for an outdoor recreation area, plus an additional one hundred square feet of usable open space for each additional unit beyond the initial twenty-five units, except that this requirement does not apply to residential development which is secondary to a commercial use in the central business district.

These requirements do not apply to affordable housing as defined in section 17.04.030.

17.43.020 Zoning districts where permitted.

Planned residential development (PRD) may be permitted in the following zoning districts:

A. R-1, residential 1;

B. R-5, residential 5;

C. R-7, residential 7;

D. R-15, residential 15. (Ord. 1913-18 § 1 (App. A) (part), 2018: Ord. 1484-04 § 11 (part), 2004)

E. Mixed commercial, Transitional Mixed Commercial overlay, Urban Village Mixed-use, and CBD.

17.43.060 Property development standards.

E. Setbacks. Setbacks to lots within the PRD shall be the same as the underlying zone unless alternate setbacks to lots within the PRD are specified in the PRD approval. Covered front porches in the R-1, R-5 and R-7 zones may be constructed up to ten feet from the front setback. ~~Setbacks to properties surrounding the PRD may not be reduced.~~

The planning and community development director may eliminate or reduce front, flanking, or rear yard setback to 10 feet if the following criteria are met:

1. Surrounding zoning is commercial, public or institutional; and
2. The proposed use includes mixed-use development. These uses can include, but are not limited to, retail, professional offices, commercial; or other similar uses as determined by the planning and community development director.

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Residential Development Incentives & Flexibility in Sedro-Woolley

By Sara Quilantang, Tarquin Mayhew, Ava Meeks, Camryn Doman Howard & Joshua Blee

Western Washington University

Spring 2026

GOAL – For Sedro-Woolley to achieve more Affordable Housing while still protecting the green spaces, current landscapes, and neighborhood character through:

- Bonus density programs
- Preservation of existing housing stock by amending the “legal non-conforming residency” code
- Allowance of minor modifications to houses to increase occupancy
- Add incentives for residential development in vacant commercial space downtown
- Creation of new partnerships or programs to increase Affordable Housing targeting 0-30% AMI

Methods

- The team identified affordable housing barriers and divided research topics among team members.
- Reviewed Sedro-Woolley Municipal Code and relevant affordable housing provisions.
- Researched MRSC, HUD, nonprofit housing resources, and other Washington municipal codes.
- Compared relevant municipal code used in other jurisdictions, including Arlington, Clark County, Bellingham, Poulsbo, Shoreline, North Bend, and Spokane.
- Developed findings, recommendations, and proposed code amendments through team review and collaboration.

Permanent Affordable Housing Incentives

Conditional and Formed Based/By-Right Density Bonuses

Three-Tiered Inclusionary Affordable Housing Tied to Bonus Densities Across R5, R7, and R15;

R5: Conditional

R7: Permitted when in compliance with community driven form-based guidelines

R15: Permitted Outright

17.04.030; For the purposes of affordable housing density bonuses outlined in section 17.08, 17.12, 17.16, and outlined in table 1, permanent affordable housing refers to units restricted to 60% AMI or below, and 30% or below when explicitly stated.

Table 1

	0-30% AMI	0-60% AMI
R5 *Maximum density increased from 5 units/acre to 9*	Each unit restricted to those earning 0-30% AMI shall permit 2 additional market-rate units.	Each unit restricted to those earning 0-60% AMI shall permit 1 additional market-rate unit.
R7 *Maximum density increased from 7 units/acre to __*	Each unit restricted to those earning 0-30% AMI shall permit 2 additional market-rate units.	Each unit restricted to those earning 0-60% AMI shall permit 1 additional market-rate unit.
R15 *Maximum density increased from 15 units/acre to 22*	Each unit restricted to those earning 0-30% AMI shall permit 2 additional market-rate units.	Each unit restricted to those earning 0-60% AMI shall permit 1 additional market-rate unit.

Permanent Affordable Housing Incentives
Maximum Gross Density

17.08.040 Maximum density requirements.
A. The maximum gross density requirement in the R-5 zone is five units per acre (Ord. 1484-04 § 4 (part), 2004: Ord. 1312-98 § 1 (part), 1998);
B. Maximum gross density for affordable housing, as defined in table 1 in section 17.04.030, is 9 units per acre.

17.12.040 Maximum density requirements.
A. The maximum gross density requirement in the R-7 zone is seven units per acre (Ord. 1484-04 § 5 (part), 2004: Ord. 1312-98 § 1 (part), 1998; Ord. 1222-95 § 3, 1995);
B. Maximum gross density for affordable housing in compliance with form-based code chapter is ___ units per acre, as defined in table 1 in section 17.04.030.

17.16.040 Maximum density requirements.
A. Minimum net density in the R-15 zones is four units per acre. Maximum gross density is fifteen units per acre (Ord. 1484-04 § 6 (part), 2004: Ord. 1312-98 § 1 (part), 1998);
B. Maximum gross density for affordable housing in the R-15 zone, as defined in table 1 in section 17.04.030, is 22 units per acre.

Table 1, 17.04.030

	0-30% AMI	0-60% AMI
R5 *Maximum density increased from 5 units/acre to 9*	Each unit restricted to those earning 0-30% AMI shall permit 2 additional market-rate units.	Each unit restricted to those earning 0-60% AMI shall permit 1 additional market-rate unit.
R7 *Maximum density increased from 7 units/acre to __*	Each unit restricted to those earning 0-30% AMI shall permit 2 additional market-rate units.	Each unit restricted to those earning 0-60% AMI shall permit 1 additional market-rate unit.
R15 *Maximum density increased from 15 units/acre to 22*	Each unit restricted to those earning 0-30% AMI shall permit 2 additional market-rate units.	Each unit restricted to those earning 0-60% AMI shall permit 1 additional market-rate unit.

Permanent Affordable Housing Incentives
Maximum lot coverage

17.08.050 Maximum lot coverage.

Maximum lot coverage requirements in the residential R-5 zone shall be as follows:

A. Thirty-five percent; Coverage for affordable housing developments conditionally increased to sixty percent;

B. Variances from the maximum lot coverage requirement are permitted, if the applicant can demonstrate that the proposed coverage does not exceed the average lot coverage of lots within one hundred feet of the parcel. Lot coverage can be equal to the average lot coverage but cannot exceed it. (Ord. 1484-04 § 4 (part), 2004: Ord. 1312-98 § 1 (part), 1998). This subsection B does not apply to developments qualifying as affordable housing under subsection A.

R7 – 17.12.050; defined by community driven design standards
R15 – N.A.

Permanent Affordable Housing Incentives

Required Recreation Areas

17.38.010 Required Recreation Areas

New developments of more than seven dwelling units (including but not limited to new subdivisions, planned developments and mobile home parks) shall be required, as a condition of approval, to provide a minimum of eight thousand square feet of unpaved...

These requirements do not apply to affordable housing developments as defined in section 17.04.030.

Retaining Existing Housing Stock

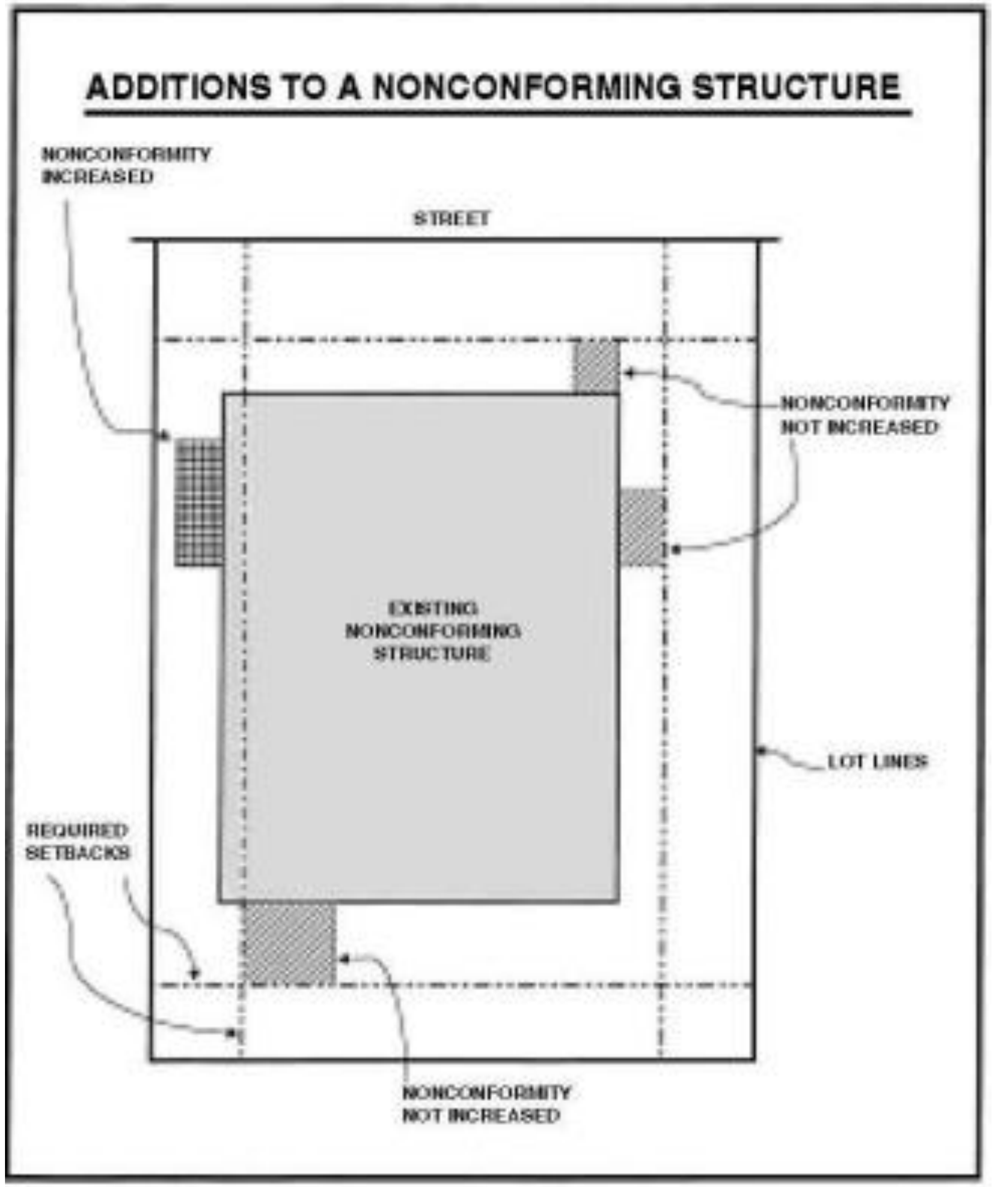
Modifications to Existing Non-Conforming Structures

- **Current Nonconforming Structure Regulations:**
- SWMC 17.04.050 allows only for "maintenance and repair" of legal nonconforming structures.
- Alterations and expansions require a restrictive Conditional Use Permit.
- Legal nonconforming status is lost after 6 months of abandonment.
- Code provides little guidance regarding allowable modifications.
- May discourage reinvestment in existing housing stock.

Clark County and Arlington code are good examples

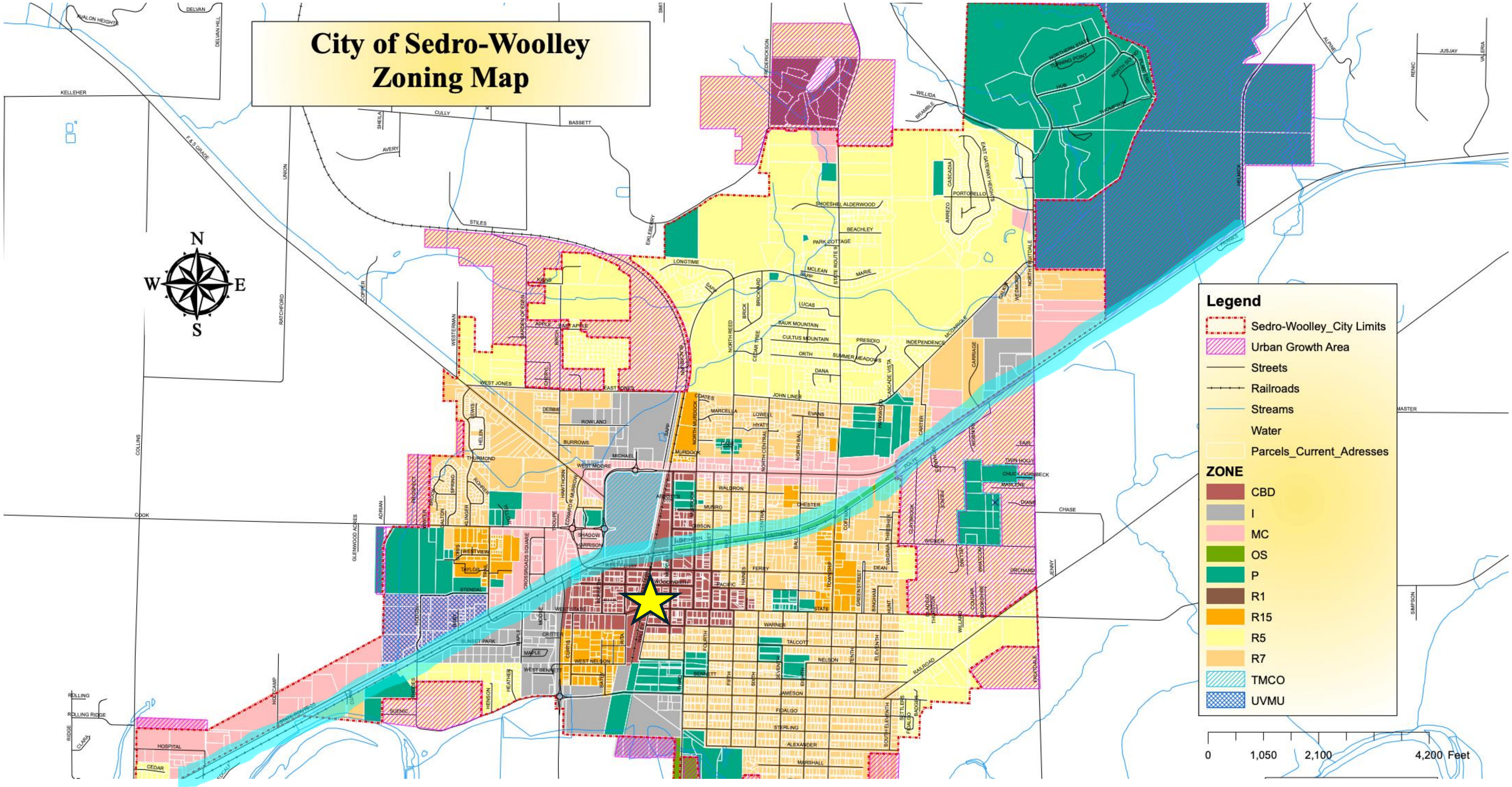
- Both allow maintenance, repair, and certain modifications
- Prevent increases in nonconformity
- Both give examples of increased nonconformity:
  - Greater setback encroachment
  - Increased height nonconformity
  - Increased lot coverage nonconformity
  - Creation of new nonconformities

Example from Clark County:



Recommendations for Existing Nonconforming Structures:

- Define "Nonconforming" and "Increase in Nonconformity."
- Allow administrative review for certain defined modifications that do not increase nonconformity.
- Allow interior remodeling, modernization, and additional bedrooms.
- Clarify that maintenance, repair, reroofing, plumbing, electrical, and weatherization upgrades are permitted.
- Extend abandonment period from 6 to 12 months.
- Allow reconstruction of structures damaged less than 75%.
- Clarify that ADUs may be allowed where otherwise permitted by state and local law.
- Include a diagram illustrating allowable additions.


City of Sedro-Woolley
Zoning Map
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Sedro-Woolley_City Limits
Urban Growth Area
Streets
Railroads
Streams
Water
Parcels_Current_Adresses
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I
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P
R1
R15
R5
R7
TMCO
UVMU
0
1,050
2,100
4,200 Feet

Adding incentives for residential development in vacant commercial space downtown

1. Reducing Setbacks

17.43.060 Property development standards.

E. Setbacks. Setbacks to lots within the PRD shall be the same as the underlying zone unless alternate setbacks to lots within the PRD are specified in the PRD approval. Covered front porches in the R-1, R-5 and R-7 zones may be constructed up to ten feet from the front setback. ~~Setbacks to properties surrounding the PRD may not be reduced.~~

The planning and community development director may eliminate or reduce front, flanking, or rear yard setback to 10 feet if the following criteria are met:

1. Surrounding zoning is commercial, public or institutional; and

2. The proposed use includes mixed-use development. These uses can include, but are not limited to, retail, professional offices, commercial; or other similar uses as determined by the planning and community development director.

2. Planned Residential Developments in Multiple Zones

17.43.020 Zoning districts where permitted.

Planned residential development (PRD) may be permitted in the following zoning districts:

- A. R-1, residential 1; B. R-5, residential 5; C. R-7, residential 7; D. R-15, residential 15. (Ord. 1913-18 § 1 (App. A) (part), 2018: Ord. 1484-04 § 11 (part), 2004)
- E. Mixed commercial, Transitional Mixed Commercial overlay, Urban Village Mixed-use, and CBD.

Adding incentives for residential development in vacant commercial space downtown

3. Lowering Ground floor commercial requirements

Chapter 17.24.010 Use restrictions.

- Currently mandates that a minimum of 75% of the ground floor in the CBD must be designated for commercial and/or retail use

Recommendation: lower the ground floor commercial requirement from 75% to 50% for eligible adaptive reuse projects

Goal: reducing to 50% allows for more room for required infrastructure (residential access, lobbies, or utility rooms) to enable use of 2nd/3rd floor for residential use while protecting commercial economic health

- **Limited to developers who meet specific criteria:**
  - Deed restriction for permanent affordable housing
  - Formally partnering with an established affordable housing organization
  - Designated percentage of total units as affordable housing

Adding incentives for residential development in vacant commercial space downtown

4. Multi-Family Tax Exemption (MFTE) Program

- Authorized under Chapter 84.14 RCW, allowing local governments to issue property tax exemptions for the rehabilitation or conversion of multifamily improvements

Mechanics: Implements a tiered structure based on affordability thresholds:

- Tax exemptions are granted on the value of residential improvements for 8, 12, or 20 years
- 12-year track: requires the applicant to commit to renting at least 20% of the units to households earning at most 80% of the Skagit County Area Medium Income (AMI)

Bellingham:

- Bellingham's Chapter 17.82.030, the exemption applies *only* to the residential improvements in targeted areas; the underlying land value and ground-floor commercial spaces remain 100% taxable

Adding incentives for residential development in vacant commercial space downtown

5. **Affordable Housing Sales and Use Tax Deferral Program**

City of Spokane: Commercial Conversion Incentive program for the conversion of underutilized commercial property into affordable housing

- Applies strictly to "underutilized commercial property" - structures currently or historically used for retailing, office, or administrative activities

- Implemented via Chapter 82.59 RCW in direct coordination with the Washington State Department of Revenue (DOR)
- The state issues a sales and use tax deferral certificate on 100% of the construction costs, labor, and materials tied to creating multifamily residential units
- Tax break does not apply to non-residential ground floor commercial portions
- If the property owner maintains the affordable housing deed restrictions for 10 consecutive years, the deferred taxes are permanently forgiven by the state

Support for 0-30% AMI Households

Programs and partnerships to support creation enduring low AMI households

Proposed Recommendations:

- Pilot a shallow rent subsidy program targeting 25–40 extremely low-income households. This would create a fixed monthly subsidy ($150–$300) paid directly to landlords to prevent displacement.
- Establish a Small Landlord Repair & Affordability Program offering $5k–$15k repair grants in exchange for 5–10 years of affordability commitments on naturally occurring affordable units.
- Pursue a RCHA funded motel conversion. First, identify 1–2 candidate properties. Next, start discussions with Skagit County and a nonprofit operator about a micro-unit or supportive housing conversion.
- Develop formal partnership agreements with Skagit Housing Authority and local nonprofits. These partnerships should clearly define who funds, operates, and/or administers stabilization, repair, and supportive housing programs.

Summary

Recommended Affordable Housing Strategies

- Preserve existing housing stock through updates to nonconforming structure regulations.
- Increase housing flexibility through administrative review and a "no increase in nonconformity" standard.
- Encourage residential development in vacant commercial and mixed-use areas.
- Expand affordable housing incentives through density bonuses, MFTE, and tax deferral programs.
- Support households earning 0–30% AMI through partnerships, stabilization programs, and preservation efforts.

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