

PLANNING COMMISSION

July 21, 2026

6:30 PM

Planning Commission

a. Call to Order

b. Pledge of Allegiance

c. Roll Call

d. Consent Agenda

1. Minutes from June 16, 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 Title 2, 13, 15, 16, and 17 SWMC - Repeal & Replace *Consolidated Planning Procedures*

h. New Business

i. Information/Discussion Items

1. Update on Critical Areas Ordinance (CAO) Amendments

j. Adjournment

PLANNING COMMISSIONERS

Pat Huggins
Joe Fattizzi

Matthew Desvoigne
Jessica Jasper
Joe Franett

Madison Bowman
Cassandra Sexson

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The City of Sedro-Woolley also complies with applicable state laws and doesn't discriminate on the basis of creed, gender, gender expression or identity, sexual orientation, marital status, religion, honorably discharged veteran or military status, or the use of a trained dog guide or service animal by a person with a disability.

Join Zoom Meeting

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Meeting ID: 980 4286 3482

Passcode: 070388

One tap mobile

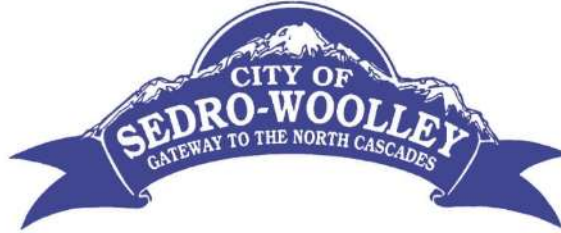
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Regular Meeting of the Planning Commission
June 16, 2026 - 6:30 PM

a. Call to Order

Planning Commission Chair, Joe Frannett, called the meeting to order at (6:30PM).

b. Pledge of Allegiance

c. Roll Call

Commissioners Present:

- Commissioner Joe Frannett
- Commissioner Joe Fattizzi
- Commissioner Pat Huggins
- Commissioner Cassandra Sexson
- Commissioner Madison Bowman
- Commissioner Matthew Desvoigne - Online

Commissioners Absent:

- Commissioner Jessica Jasper

Staff Present:

- Planner Nicole McGowan
- Assistant Planner Ashton Sandoval Oaks
- Community Development Director Tom Glover
- Permit Technician Nicole Pfluger

Facet Northwest Consultants Present:

- Environmental Planner Alexandra Plumb - Online

d. Consent Agenda

1. Minutes from May 19, 2026 Planning Commission Meeting

Minutes from May 19th, 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 (6:32PM).

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

General Public Comments closed at (6:33PM).

f. Public Hearing(s)

None.

g. Unfinished Business

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

Community Development Director, Tom Glover, began by explaining that it is part of the Comprehensive Plan implementation process to update the Critical Areas Regulations, and in particular the wetland guidance portion. Tom then handed it over to Alexandra Plumb, Environmental Planner with FACET Northwest, to recap some of the topics from the last Planning Commission meeting, as well as present the Technical Memorandum outlining a fourth option for regulating Wetland Buffers.

There was a lot of clarifying discussion about Habitat Scores. Planning Commissioner, Madison Bowman, suggested that it may be helpful for the Planning Commission to have a visual example of how a wetland assessment, habitat score, and the impact they have on the wetland buffer all works together, and what it looks like in a specific space.

Planning Commissioners requested clarification on whether they had flexibility to make

adjustments to the Department of Ecology's model ordinance, and the table demonstrating the level of impact (high, moderate, and low) of proposed land uses. Planning Commissioners want to know how much they can tailor it to better fit Sedro-Woolley development patterns.

Some minor corrections to the documents were suggested by Planning Commissioners.

h. New Business

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

Assistant Planner, Ashton Sandoval Oaks, introduced the proposed Updates to Title 2, 13, 15, 16, and 17 SWMC to repeal and replace Chapter 2.90 Consolidated Planning Procedures. Ashton briefly went over The Local Project Review Act from the GMA and how it regulates what City Staff does in the office; such as how permits are processed, how permits are approved, and how developers are notified of certain stages throughout the permitting process. Recent updates to the Local Project Review Act have affected requirements for review procedures. The changes implemented via SB5290, are intended to combat WA State's housing crisis by streamlining & modernizing local land use & development permitting processes.

In addition, the last update to Chapter 2.90 SWMC was completed in 2008. A large-scale update is proposed to make sure the City is following all the requirements in the RCW's, and to do some house cleaning, such as removing outdated permits that no longer apply and processes that are no longer necessary.

Some corrections were discussed, such as permit submittals requiring copies made on mylar. Due to the size of the packet and in respect of time, it was decided that Planning Commissioners will read and review the proposed changes and submit their comments to City Planner, Nicole McGowan, by July 13, 2026. Staff will review and make changes to bring to the next Planning Commission meeting on July 21, 2026.

i. Information Only

1. Design Standards & Guidelines: Final WWU Student Memo

Assistant Planner, Ashton Sandoval Oaks, went over the findings of the WWU Student analysis and review of the City's Design Standards and Guidelines. The students looked at a few different criteria for how the City could improve its Design Standards. The two main recommendations the students made were to change the threshold of when design review is required and to go through the design standards, making sure they are objective, clear and affordable for local business owners.

Planning Commissioners had some comments and suggestions, such as maintaining the standard of 75% of commercial space on the first floor of commercial buildings in the downtown area.

2. Residential Development Incentives & Flexibility: Final WWU Student Memo

City Planner, Nicole McGowan, went over the findings of her group of students from WWU. Nicole's team was taking a look at Sedro-Woolley's residential and mixed-use zoning code, to analyze and identify where there are opportunities for residential development incentives specifically for affordable housing and adding some flexibility for development regulations.

Planning Commissioners will go over the suggestions and send comments to City Planner, Nicole McGowan, by July 13, 2026, to review and include in the next Planning Commission meeting on July 21, 2026.

j. Adjournment

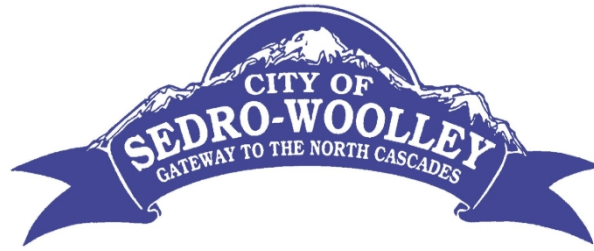
Time (9:03PM).

ATTEST:

APPROVED:

Planning Commission Chair

Planning Commission Secretary



Planning Commission Agenda Item

Agenda Item No.: g.1.

Date: July 21, 2026

From: Nicole McGowan, Planner

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

RECOMMENDED ACTION:

Review and discuss Draft 2 of the proposed code amendments.

BACKGROUND/SUMMARY INFORMATION:

In 2023, the Washington State legislature passed SB 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). The most recent updates to the Act are intended to combat Washington State's housing crisis by streamlining and modernizing local land use and development permitting processes. This component regulates permit applications, plan review, administrative determinations, land use appeals, and many other critical aspects of municipal planning in Washington.

To implement the new requirements and intent of the Local Project Review Act, staff have proposed to entirely repeal Chapter 2.90 SWMC - *Consolidated Planning Procedures*. The policies therein have been reorganized and replaced in a more intuitive manner. The major changes staff are proposing include:

- Review and permitting timelines have been updated for consistency with Local Project Review Act requirements.
- Short subdivisions are proposed to be defined as division or redivision of land into nine (9) or fewer lots. Currently, short subdivisions include division or redivision of land into four (4) or fewer lots and are reviewed and approved administratively. This change is intended to simplify the permitting process for subdivisions, requiring hearing examiner review and approval for subdivisions of ten (10) lots or more.
- Title 15 has been renamed to *Buildings, Construction, and Development* and includes a new chapter titled Chapter 15.15 SWMC - *Consolidated Permit Administration*. This new chapter is intended to provide a comprehensive guide for permitting processes, housed in an intuitive location within the municipal code.
- Planned Action review processes have been moved to Title 17 under its own chapter, titled Chapter 17.58 SWMC - *Planned Actions*
- Most definitions found throughout the code have been moved to SWMC 17.04.030 to consolidate definitions to one area. The definition for work/live units contained further

regulatory standards which isn't fitting for a definitions section. Work/Live units are now regulated under their own chapter in Title 17, titled Chapter 17.120 SWMC - *Work/Live Units*.

- Public notice requirements and appeal processes are code sections intended to be referenced by staff for administrative purposes. As such, these provisions have been moved to their own sections under Chapter 17.04 SWMC - *Administrative Provisions*.
- Using tables instead of lengthy lists for ease of navigation.
- All references to Chapter 2.90 SWMC have been revised to direct readers to the applicable provisions in their new location within the code.

At the June 16, 2026, Planning Commission meeting, staff presented a first draft of the proposed amendments. The Planning Commission was tasked with reviewing the draft and providing feedback to staff. Additional changes have been recommended by the city's legal team in anticipation of unit lot subdivision code adoption coming soon. Draft 2 of the amendments, included herein as **Attachment 1**, includes updates to reflect comments received to date. These changes (highlighted in yellow for ease of reference) include the following:

- Removed any references to requiring Mylars.
- Per the city's legal advisor's recommendation, new definitions have been added, and some existing definitions revised, in anticipation of unit lot subdivision code provisions coming soon.
- The general process for applications and decisions located under proposed Section 15.15.014 (D)(1) included some duplicative language regarding the purpose of pre-application meetings. This language has been updated to remove said duplicative language, and to directly reference SWMC 15.15.012 which describes the purpose of pre-application meetings and for what types of projects they are required.
- Under proposed Section 15.15.014 (D)(2), the language has been updated to say "...*any* environmental determination" instead of "...*the* environmental determination." Not all projects trigger environmental review, and thus not all projects require an environmental determination and public notification thereof.
- The language in proposed Section 15.15.032(A)(1) has been grammatically corrected.

FISCAL IMPACT, IF APPROPRIATE:

None anticipated.

ATTACHMENTS:

1. Draft Amendments 2 (7-21-26)

2.34.080 Duties.

[...]

B. Hold and conduct public hearings in accordance with SWMC Chapter [17.04](#), [SWMC Chapter 15.152.90](#), 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 [15.152.90](#);

D. Hear and make final decisions on appeals made pursuant to SWMC Chapter [17.042.90](#);

[...]

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 [17.042.90](#). 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 ~~15.152.90~~, 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:

[15.04 Building Code](#)

[15.15 Consolidated Permit Administration](#)

[15.24 Addressing Structures and Naming Streets](#)

[15.40 Public Works Construction Standards](#)

[15.44 Design Review](#)

[15.48 Development Impact Mitigation](#)

[15.52 Latecomers' Agreements](#)

[15.56 Concurrency Management System](#)

[15.60 Impact Fees for Planned Facilities](#)

[15.64 Impact Fees for School Facilities](#)

Chapter 15.15

CONSOLIDATED PERMIT ADMINISTRATION

Sections:

15.15.002 Purpose.

15.15.004 Applicability.

15.15.006 Effect of permit.

15.15.008 Definitions.

15.15.010 Complete application required.

15.15.012 Pre-application meeting requests.

15.15.014 Permit types and processes.

15.15.020 Permit application review and expiration.

15.15.032 Vested rights provisions.

15.15.042 Permit applications and permits – expiration date extension.

15.15.100 Fees.

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. These meetings are not intended to provide an exhaustive review of the project. Pre-application review does not prevent or limit the city from applying all relevant codes and laws at the time of application submittal.

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.

<u>Permit/Action</u>	<u>Staff Contact</u>	<u>Decision Authority</u>	<u>Permit Type</u>				
			<u>I</u>	<u>II</u>	<u>III</u>	<u>IV</u>	<u>V</u>
<u>Administrative Determination & Minor Modifications</u>	<u>Planning Division</u>	<u>Administrative</u>	X	-	-	-	-
<u>Binding Site Plan, Preliminary</u>	<u>Planning Division</u>	<u>Administrative</u>	-	X	-	-	-
<u>Binding Site Plan, Final</u>	<u>Planning Division</u>	<u>Administrative</u>	X				
<u>Boundary Line Adjustment</u>	<u>Planning Division</u>	<u>Administrative</u>	X	-	-	-	-
<u>Building Permit, SEPA Exempt</u>	<u>Building Division</u>	<u>Administrative</u>	X	-	-	-	-
<u>Building Permit, SEPA Required</u>	<u>Building Division</u>	<u>Administrative</u>		X			
<u>Comprehensive Plan Map (and Rezone) or Text Amendments</u>	<u>Planning Division</u>	<u>City Council</u>	-	-	-	-	X
<u>Conditional Use Permit</u>	<u>Planning Division</u>	<u>Hearing Examiner</u>	-	-	X	-	-
<u>Demolition Permit</u>	<u>Building Division</u>	<u>Administrative</u>	X				
<u>Design Review Only</u>	<u>Planning Division</u>	<u>Administrative</u>	X	-	-	-	-

<u>Permit/Action</u>	<u>Staff Contact</u>	<u>Decision Authority</u>	<u>Permit Type</u>				
			<u>I</u>	<u>II</u>	<u>III</u>	<u>IV</u>	<u>V</u>
<u>Development Agreement</u>	<u>Planning Division</u>	<u>City Council</u>	-	-	-	-	X
<u>Development Regulation Text Amendment</u>	<u>Planning Division</u>	<u>City Council</u>	-	-	-	-	X
<u>Environmental Review (SEPA)</u>	<u>Planning Division</u>	<u>Administrative</u>	-	X	-	-	-
<u>Excavation & Grading Permit, SEPA Exempt</u>	<u>Engineering Division</u>	<u>Administrative</u>	X	-	-	-	-
<u>Excavation & Grading Permit, SEPA Required</u>	<u>Engineering Division</u>	<u>Administrative</u>		X			
<u>Fire Permit</u>	<u>Building Division</u>	<u>Administrative</u>	X				
<u>Floodplain Development Permit</u>	<u>Planning Division</u>	<u>Administrative</u>	X	-		-	-
<u>Floodplain Variance</u>	<u>Planning Division</u>	<u>Hearing Examiner</u>			X		
<u>Landmark Designation</u>	<u>Planning Division</u>	<u>Administrative</u>		X			

<u>Permit/Action</u>	<u>Staff Contact</u>	<u>Decision Authority</u>	<u>Permit Type</u>				
			<u>I</u>	<u>II</u>	<u>III</u>	<u>IV</u>	<u>V</u>
<u>Long Plat, Preliminary</u>	<u>Planning Division</u>	<u>Hearing Examiner</u>			X		
<u>Long Plat, Final</u>	<u>Planning Division</u>	<u>Administrative</u>	X				
<u>Marijuana Permit</u>	<u>Building Division</u>	<u>Administrative</u>	X				
<u>Master Plan Approval</u>	<u>Planning Division</u>	<u>Hearing Examiner</u>	-	-	X	-	-
<u>Model Home Permit</u>	<u>Planning Division</u>	<u>Administrative</u>	X				
<u>Mural Permit</u>	<u>Planning Division</u>	<u>Administrative</u>	X				
<u>On-Site Sewage (Septic) Decommission</u>	<u>Engineering Division</u>	<u>Administrative</u>	X				
<u>Oversize / Overweight Vehicle Permit</u>	<u>Engineering Division</u>	<u>Administrative</u>	X				
<u>Planned Action Determination</u>	<u>Planning Division</u>	<u>Administrative</u>	-	X	-	-	-
<u>Planned Action Ordinance</u>	<u>Planning Division</u>	<u>City Council</u>	-	-	-	-	X

<u>Permit/Action</u>	<u>Staff Contact</u>	<u>Decision Authority</u>	<u>Permit Type</u>				
			<u>I</u>	<u>II</u>	<u>III</u>	<u>IV</u>	<u>V</u>
<u>Planned Residential Development (PRD), Preliminary</u>	<u>Planning Division</u>	<u>Hearing Examiner</u>			X		
<u>Planned Residential Development (PRD), Final</u>	<u>Planning Division</u>	<u>Administrative</u>	X				
<u>Right-of-Way / Access Permit</u>	<u>Engineering Division</u>	<u>Administrative</u>	X				
<u>Sewer Permit</u>	<u>Engineering Division</u>	<u>Administrative</u>	X				
<u>Shoreline Conditional Use Permit</u>	<u>Planning Division</u>	<u>Hearing Examiner</u>	-	-	X	-	-
<u>Shoreline Exemption</u>	<u>Planning Division</u>	<u>Administrative</u>	X	-	-	-	-
<u>Shoreline Substantial Development Permit</u>	<u>Planning Division</u>	<u>Administrative</u>	-	X	-	-	-
<u>Shoreline Variance</u>	<u>Planning Division</u>	<u>Hearing Examiner</u>	-	-	X	-	-
<u>Short Plat, Preliminary</u>	<u>Planning Division</u>	<u>Administrative</u>	-	X	-	-	-

<u>Permit/Action</u>	<u>Staff Contact</u>	<u>Decision Authority</u>	<u>Permit Type</u>				
			<u>I</u>	<u>II</u>	<u>III</u>	<u>IV</u>	<u>V</u>
<u>Short Plat, Final</u>	<u>Planning Division</u>	<u>Administrative</u>	X	-		-	-
<u>Sidewalk Use Permit (Sidewalk Cafes)</u>	<u>Planning Division</u>	<u>Administrative</u>	X				
<u>Sign Permit</u>	<u>Building Division</u>	<u>Administrative</u>	X				
<u>Street Vacation</u>	<u>Engineering Division</u>	<u>City Council</u>	-	-	-	X	-
<u>Temporary Homeless Encampment</u>	<u>Planning Division</u>	<u>Administrative</u>	-	X	-	-	-
<u>Temporary Use Permit</u>	<u>Planning Division</u>	<u>Administrative</u>	-	X	-	-	-
<u>Title Elimination</u>	<u>Building Division</u>	<u>Administrative</u>	X				
<u>Variance</u>	<u>Planning Division</u>	<u>Administrative</u>	-	X		-	-
<u>Zoning Verification Request</u>	<u>Planning Division</u>	<u>Administrative</u>	X				
<u>Zoning Waiver</u>	<u>Planning Division</u>	<u>Administrative</u>	X	-	-	-	-

2. Permit Processes. Refer to Subsection 17.04.070 for public notice requirements.

	<u>Type I</u>	<u>Type II</u>	<u>Type III</u>	<u>Type IV</u>	<u>Type V</u>	<u>Annexations</u>
<u>Pre-Application Meeting</u>	<u>See SWMC 15.15.012</u>					<u>Required, unless waived by director</u>
<u>Letter of Completeness</u>	<u>Required for land use actions only</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>	<u>No</u>
<u>Notice of Application</u>	<u>No</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>	<u>Required for site-specific projects</u>	<u>See Chapter 35A.14 RCW</u>
<u>Notice of Public Hearing</u>	<u>Not applicable</u>	<u>Not applicable</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>	<u>See Chapter 35A.14 RCW</u>
<u>Open Record Public Hearing</u>	<u>No</u>	<u>No</u>	<u>Yes, before hearing examiner to render final decision</u>	<u>Yes, before hearing examiner to make recommendation to city council</u>	<u>Yes, before planning commission to make recommendation to city council</u>	<u>See Chapter 35A.14 RCW</u>
<u>Recommendation Made By</u>	<u>Not applicable</u>	<u>Not applicable</u>	<u>Not applicable</u>	<u>Hearing examiner</u>	<u>Planning commission</u>	<u>See Chapter 35A.14 RCW</u>

	<u>Type I</u>	<u>Type II</u>	<u>Type III</u>	<u>Type IV</u>	<u>Type V</u>	<u>Annexations</u>
<u>Final Decision Made By</u>	<u>Director or designee</u>	<u>Director or designee</u>	<u>Hearing examiner</u>	<u>City council</u>	<u>City council</u>	<u>See Chapter 35A.14 RCW</u>
<u>Notice of Decision</u>	<u>Required unless exempt per Section 2.90.040</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>	<u>See Chapter 35A.14 RCW</u>
<u>Judicial Appeal</u>	<u>See SWMC 17.04.080</u>					<u>See Chapter 35A.14 RCW</u>

D. General process for applications and decisions.

1. Pre-application Meeting.

a. A pre-application meeting may be required prior to formal submittal of a permit application, pursuant to SWMC 15.15.012.

b. A pre-application meeting is recommended for all other permit applications.

2. Notices to Applicant. The applicant shall be advised of the date of acceptance of the application and of any 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.

a. 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.

b. 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.

a. 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.

b. 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.

- c. 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.
- d. 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.
- e. 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.

- a. 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.
- b. 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.

- c. 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.
- d. 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.
- e. 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.

- a. 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.
- b. 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.
- c. 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).

<u>Permit/Action</u>	<u>Permit Deadlines</u>		
	<u>Application Expiration</u>	<u>Staff Review Deadline</u>	<u>Issued Permit Expiration</u>
<u>Administrative Determination</u>	<u>Unresponsive for 3 Months</u>	<u>100 Days</u>	<u>N/A</u>
<u>Annexation</u>	<u>Unresponsive for 1 Year</u>	<u>N/A</u>	<u>N/A</u>
<u>Binding Site Plan, Preliminary</u>	<u>Unresponsive for 6 Months</u>	<u>100 Days</u>	<u>3 Years</u>

<u>Permit/Action</u>	<u>Permit Deadlines</u>		
	<u>Application Expiration</u>	<u>Staff Review Deadline</u>	<u>Issued Permit Expiration</u>
<u>Binding Site Plan, Final</u>	<u>Unresponsive for 6 Months</u>	<u>65 Days</u>	<u>N/A</u>
<u>Boundary Line Adjustment</u>	<u>Unresponsive for 3 Months</u>	<u>65 Days</u>	<u>N/A</u>
<u>Building Permit, SEPA Exempt</u>	<u>Unresponsive for 6 Months</u>	<u>100 Days</u>	<u>2 Years</u>
<u>Building Permit, SEPA Required</u>	<u>Unresponsive for 6 Months</u>	<u>100 Days</u>	<u>2 Years</u>
<u>Comprehensive Plan Map (and Rezone) or Text Amendments</u>	<u>Unresponsive for 1 Year</u>	<u>N/A</u>	<u>N/A</u>
<u>Conditional Use Permit</u>	<u>Unresponsive for 6 Months</u>	<u>170 Days</u>	<u>See SWMC 17.56.050</u>
<u>Demolition Permit</u>	<u>Unresponsive for 3 Months</u>	<u>100 Days</u>	<u>6 Months</u>
<u>Design Review Only</u>	<u>Unresponsive for 3 Months</u>	<u>65 Days</u>	<u>1 Year</u>
<u>Development Agreement</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Development Regulation Text Amendment</u>	<u>Unresponsive for 1 Year</u>	<u>N/A</u>	<u>N/A</u>
<u>Environmental Review (SEPA)</u>	<u>Unresponsive for 6 Months</u>	<u>100 Days</u>	<u>1 Year</u>

<u>Permit/Action</u>	<u>Permit Deadlines</u>		
	<u>Application Expiration</u>	<u>Staff Review Deadline</u>	<u>Issued Permit Expiration</u>
<u>Excavation & Grading Permit, SEPA Exempt</u>	<u>Unresponsive for 6 Months</u>	<u>100 Days</u>	<u>1 Year</u>
<u>Excavation & Grading Permit, SEPA Required</u>	<u>Unresponsive for 6 Months</u>	<u>100 Days</u>	<u>1 Year</u>
<u>Fire Permit</u>	<u>Unresponsive for 6 Months</u>	<u>170 Days</u>	<u>1 Year</u>
<u>Floodplain Development Permit</u>	<u>Unresponsive for 6 Months</u>	<u>65 Days</u>	<u>2 Years</u>
<u>Floodplain Variance</u>	<u>Unresponsive for 6 Months</u>	<u>170 Days</u>	<u>3 Years</u>
<u>Landmark Designation</u>	<u>Unresponsive for 6 Months</u>	<u>N/A</u>	<u>N/A</u>
<u>Long Plat, Preliminary</u>	<u>Unresponsive for 6 Months</u>	<u>170 Days</u>	<u>5 Years</u>
<u>Long Plat, Final</u>	<u>Unresponsive for 6 Months</u>	<u>65 Days</u>	<u>N/A</u>
<u>Marijuana Permit</u>	<u>Unresponsive for 6 Months</u>	<u>170 Days</u>	<u>1 Year</u>
<u>Master Plan Approval</u>	<u>Unresponsive for 6 Months</u>	<u>170 Days</u>	<u>N/A</u>
<u>Model Home Permit</u>	<u>Unresponsive for 3 Months</u>	<u>65 Days</u>	<u>See SWMC 17.98.070</u>

<u>Permit/Action</u>	<u>Permit Deadlines</u>		
	<u>Application Expiration</u>	<u>Staff Review Deadline</u>	<u>Issued Permit Expiration</u>
<u>Mural Permit</u>	<u>Unresponsive for 3 Months</u>	<u>65 Days</u>	<u>1 Year</u>
<u>On-Site Sewage (Septic) Decommission</u>	<u>Unresponsive for 3 Months</u>	<u>65 Days</u>	<u>6 Months</u>
<u>Oversize / Overweight Vehicle Permit</u>	<u>Unresponsive for 3 Months</u>	<u>65 Days</u>	<u>3 Months</u>
<u>Planned Action Determination</u>	<u>Unresponsive for 6 Months</u>	<u>100 Days</u>	<u>6 Months</u>
<u>Planned Action Ordinance</u>	<u>Unresponsive for 1 Year</u>	<u>170 Days</u>	<u>N/A</u>
<u>Planned Residential Development (PRD), Preliminary</u>	<u>Unresponsive for 6 Months</u>	<u>N/A</u>	<u>5 Years</u>
<u>Planned Residential Development (PRD), Final</u>	<u>Unresponsive for 6 Months</u>	<u>65 Days</u>	<u>N/A</u>
<u>Right-of-Way / Access Permit</u>	<u>Unresponsive for 3 Months</u>	<u>65 Days</u>	<u>3 Months</u>
<u>Sewer Permit</u>	<u>Unresponsive for 3 Months</u>	<u>65 Days</u>	<u>6 Months</u>
<u>Shoreline Conditional Use Permit</u>	<u>Unresponsive for 6 Months</u>	<u>170 Days</u>	<u>5 Years</u>
<u>Shoreline Exemption</u>	<u>Unresponsive for 6 Months</u>	<u>65 Days</u>	<u>N/A</u>

<u>Permit/Action</u>	<u>Permit Deadlines</u>		
	<u>Application Expiration</u>	<u>Staff Review Deadline</u>	<u>Issued Permit Expiration</u>
<u>Shoreline Substantial Development Permit</u>	<u>Unresponsive for 6 Months</u>	<u>100 Days</u>	<u>5 Years</u>
<u>Shoreline Variance</u>	<u>Unresponsive for 6 Months</u>	<u>170 Days</u>	<u>5 Years</u>
<u>Short Plat, Preliminary</u>	<u>Unresponsive for 6 Months</u>	<u>100 Days</u>	<u>3 Years</u>
<u>Short Plat, Final</u>	<u>Unresponsive for 6 Months</u>	<u>65 Days</u>	<u>N/A</u>
<u>Sidewalk Use Permit (Sidewalk cafes)</u>	<u>Unresponsive for 3 Months</u>	<u>65 Days</u>	<u>1 Year</u>
<u>Sign Permit</u>	<u>Unresponsive for 6 Months</u>	<u>100 Days</u>	<u>2 Years</u>
<u>Street Vacation</u>	<u>Unresponsive for 1 Year</u>	<u>N/A</u>	<u>N/A</u>
<u>Temporary Homeless Encampment</u>	<u>Unresponsive for 6 Months</u>	<u>100 Days</u>	<u>6 Months</u>
<u>Temporary Use Permit</u>	<u>Unresponsive for 3 Months</u>	<u>65 Days</u>	<u>6 Months</u>
<u>Title Elimination</u>	<u>Unresponsive for 3 Months</u>	<u>65 Days</u>	<u>N/A</u>
<u>Variance</u>	<u>Unresponsive for 6 Months</u>	<u>100 Days</u>	<u>See SWMC 17.60.040</u>

<u>Permit/Action</u>	<u>Permit Deadlines</u>		
	<u>Application Expiration</u>	<u>Staff Review Deadline</u>	<u>Issued Permit Expiration</u>
<u>Zoning Verification Request</u>	<u>Unresponsive for 3 Months</u>	<u>65 Days</u>	<u>N/A</u>
<u>Zoning Waiver</u>	<u>Unresponsive for 6 Months</u>	<u>65 Days</u>	<u>See SWMC 17.60.040</u>

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 application's vested status.

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:

- [15.56.010 Purpose.](#)
- [15.56.020 Definitions.](#)
- [15.56.030 Facility and services concurrency required.](#)
- [15.56.040 Transportation concurrency.](#)
- [15.56.050 Exemptions.](#)
- [15.56.060 Administration.](#)
- [15.56.070 Concurrency test.](#)
- [15.56.080 Development within unincorporated urban growth areas.](#)
- [15.56.090 Certificate of capacity.](#)
- [15.56.100 Facility and service capacity fees.](#)
- [15.56.110 Concurrency test aAppeals.](#)

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 [17.042.90](#) of the Sedro-Woolley Municipal Code.

[...]

15.56.110 Concurrency test aAppeals.

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 Deptment shall notify the appropriate facility and service provider(s).

[...]

Chapter 15.64

IMPACT FEES FOR SCHOOL FACILITIES

Sections:

[15.64.010 Findings and authority.](#)

[15.64.020 Definitions.](#)

[15.64.030 Finding of adequacy.](#)

[15.64.040 Assessment of impact fees.](#)

[15.64.050 Exemptions.](#)

[15.64.060 Credits.](#)

[15.64.070 Tax adjustments.](#)

[15.64.080 **School impact fee Appeals.**](#)

[15.64.090 Authorization for the school interlocal agreement and the establishment of the schools impact account.](#)

[15.64.100 Refunds.](#)

[15.64.110 Use of funds.](#)

[15.64.120 Review.](#)

[15.64.130 School impact fees and administrative fees.](#)

[15.64.140 Fee adjustment.](#)

[15.64.150 Independent fee calculations.](#)

[15.64.160 Existing authority unimpaired.](#)

[...]

15.64.080 School impact fee 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 2.9015.15 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:

- [16.04 General Provisions](#)
- [16.08 Subdivisions](#)
- [16.12 Short Plats](#)
- [16.16 Boundary Line Adjustments](#)
- [16.28 Binding Site Plan](#)

Chapter 16.04 GENERAL PROVISIONS

Sections:

- [16.04.010 Purpose.](#)
- [16.04.020 Exemptions from platting regulations.](#)
- [16.04.030 Definitions.](#)
- [16.04.040 Compliance with state law and land use code.](#)
- [16.04.050 Effect of noncompliance.](#)
- [16.04.060 Minimum and maximum residential density.](#)
- [16.04.070 Revocation.](#)
- [16.04.080 Minimum infrastructure standards.](#)
- [16.04.085 Minimum design standards.](#)
- [16.04.090 Utility easements.](#)
- [16.04.100 Fire protection.](#)
- [16.04.110 Nonconforming lots of record—Merger.](#)
- [16.04.120 Violations—Penalties.](#)
- [16.04.130 *Repealed.*](#)
- [16.04.140 Filing prohibited.](#)
- [16.04.150 Building prohibited.](#)

[16.04.160 Fees.](#)

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

[16.08.016 Application.](#)

[16.08.020 Content of plat.](#)

[16.08.022 Distribution of preliminary plats.](#)

[16.08.024 Review and approval.](#)

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Subchapter I. Preliminary Plat Process

16.08.016 Application.

[...]

C. Applications shall be processed according to the procedures set forth in Chapter [2.9015.15](#), 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 [2.9015.15](#), and Chapters [43.21C](#) and [36.70B](#) RCW.

[...]

16.08.024 Review and approval.

A. Pursuant to Chapter [2.9015.15](#), 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:

[16.12.010 Filing of application.](#)

[16.12.015 Content of application.](#)

[16.12.020 Distribution of plats.](#)

[16.12.025 Content of short plat.](#)
[16.12.030 Dedications required.](#)
[16.12.035 Street design standards.](#)
[16.12.040 Improvements.](#)
[16.12.045 Criteria for approval.](#)
[16.12.050 Planning director's decision.](#)
[16.12.055 Hearing body decision.](#)
[16.12.060 Variances.](#)
[16.12.070 Conditions—Burden of proof.](#)
[16.12.080 Filing of plat.](#)
[16.12.090 Redivision procedures.](#)

* 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 ~~2.9015.15~~ 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 ~~2.9015.15~~, 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 [2.9017.04](#) 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 [2.9015.15](#), 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 [2.9017.04](#). 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:

[16.28.010 General provisions.](#)

[16.28.020 Review procedures—Preliminary binding site plan.](#)

[16.28.030 Improvements and security—Methods and procedure.](#)

[16.28.040 Final review—Recording—Revisions.](#)

[16.28.050 Criteria/development standards.](#)

[16.28.060 Application requirements.](#)

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 [2.9015.15](#). 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 [2.9015.15](#).

[...]

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 [2.9015.15](#), 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:

- [17.04 Administrative Provisions](#)
- [17.06 Residential 1 Environmentally Constrained \(R-1\) Zone](#)
- [17.08 Residential 5 \(R-5\) Zone](#)
- [17.12 Residential 7 \(R-7\) Zone](#)
- [17.16 Residential 15 \(R-15\) Zone](#)
- [17.20 Mixed Commercial \(MC\) Zone](#)
- [17.21 Urban Village Mixed-Use \(UVMU\) Overlay](#)
- [17.22 Transitional Mixed Commercial Overlay](#)
- [17.24 Central Business District \(CBD\) Zone](#)
- [17.28 Industrial \(I\) Zone](#)
- [17.32 Public \(P\) Zone](#)
- [17.34 Open Space \(OS\) Zone](#)
- [17.36 Off-street Parking and Loading](#)
- [17.38 Residential Recreation Areas](#)
- [17.40 Signs](#)
- [17.43 Planned Residential Development \(PRD\)](#)
- [17.44 General Regulations for All Zones](#)
- [17.48 Mobile Home Parks](#)
- [17.50 Landscaping](#)
- [17.51 Murals](#)
- [17.52 *Repealed*](#)
- [17.56 Conditional Use Permits](#)
- [17.58 **Planned Actions**](#)
- [17.60 Variances and Zoning Waivers](#)
- [17.64 Temporary Permits](#)
- [17.65 Regulations for Critical Areas](#)
- [17.66 Flood Damage Prevention](#)
- [17.68 Home Occupation Permits](#)

[17.72 *Repealed*](#)

[17.76 *Repealed*](#)

[17.80 Enforcement](#)

[17.84 Adult Entertainment Establishments](#)

[17.88 Essential Public Facilities](#)

[17.90 Collective Gardens](#)

[17.92 Recreational Marijuana Producers, Processors and Retailers](#)

[17.96 City of Sedro-Woolley Shoreline Master Program](#)

[17.98 Model Homes](#)

[17.100 Accessory Dwelling Units \(ADUs\)](#)

[17.110 Homeless Encampments at Religious Organizations](#)

[17.120 *Work/Live Units*](#)

Chapter 17.04

ADMINISTRATIVE PROVISIONS

Sections:

[17.04.010 Purpose.](#)

[17.04.020 Jurisdiction.](#)

[17.04.030 Definitions.](#)

[17.04.040 Administration and interpretation.](#)

[17.04.050 Nonconforming uses, structures, and lots.](#)

[17.04.060 Fees.](#)

[17.04.070 Public Notice Requirements](#)

[17.04.080 Appeals.](#)

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 residential living unit that provides complete independent living facilities for one or more persons and that includes permanent provisions for living, sleeping, eating, cooking, and sanitation, excluding recreational vehicles, trailers, boats, 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 legally created parcel of land with fixed boundaries recognized for purposes of ownership, conveyance, development, or land use regulation. Unless expressly authorized elsewhere in the municipal code, the term "lot" does not include a unit lot created as part of a unit lot subdivision when applying development standards that distinguish between conventional lots and unit lots. ~~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. "Parent lot" means the original lot or parcel upon which a unit lot subdivision is established prior to creation of individual unit lots.

2. "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.

32. “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.

43. “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.

54. “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.

65. “Permitted use” means a use permitted within a zone, including uses accessory to the permitted use.

76. “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.

87. “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.

98. "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.

109. "Plumbing plan" means plans as required by the currently adopted Uniform Plumbing Code (UPC) and state amendments.

1140. "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.

124. "Principal structure" means the primary structure authorized on a conventional lot or on a designated unit lot that contains the principal permitted use.

13. "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.

142. "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.

153. "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.

164. "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

I. 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.

175. “Professional office” means an office primarily offering services or licensed business guaranteed by a licensing agency or board.

186. “Proposal description” means a complete, unabridged copy of the proposal (i.e., draft ordinance, resolution, plan or policy) and all attachments.

197. “Proposal summary” means a concise description of the scope, intent and timing of the proposal.

2018. “Public use” means a use carried on by a government agency or its authorized representative.

219. “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 **or in** 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. "Unit lot" means a lot created through a unit lot subdivision that is intended to contain one designated principal dwelling unit and associated improvements within an approved common development. A unit lot exists as part of a larger parent lot and remains subject to all development standards, conditions, and limitations applicable to the parent development. Unless expressly authorized elsewhere in the municipal code, a unit lot shall not be considered an independent lot for purposes of applying additional residential density allowances or other development rights.
2. "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.
3. "Utilities construction plans" means plans prepared by a state of Washington licensed civil engineer as stipulated by the city of Sedro-Woolley standards.
4. "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 ~~planningCommunity Development~~

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

<u>Notice Type</u>	<u>Recipients</u>	<u>Methods</u>	<u>Timing</u>	<u>Contents</u>
<u>Notice of Development Application</u>	<u>Property owners and residents within 500 feet of subject property; general public via site posting.</u>	<u>Mailing; posting on subject property.</u>	<u>Issued within 14 calendar days of Letter of Completeness. A 14-day public comment period applies.</u>	<u>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.</u>
<u>Notice of Development Application with SEPA</u>	<u>See SWMC 2.88.132</u>	<u>See SWMC 2.88.132</u>	<u>See SWMC 2.88.132</u>	<u>See SWMC 2.88.132</u>
<u>Notice of Administrative Decision</u>	<u>Parties of record; project proponent; affected government agencies</u>	<u>Mailing.</u>	<u>Upon issuance of decision.</u>	<u>Description of decision including any conditions; where to obtain further information; environmental determination and appeal process if applicable; appeal</u>

				<u>deadline (see SWMC 17.04.080).</u>
<u>Notice of Public Hearing</u>	<u>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.</u>	<u>Publication; mailing; posting on subject property</u>	<u>At least 10 calendar days before hearing.</u>	<u>Project description; action to be taken; project location; hearing date, time and place; where to obtain further information; *public hearing continuation statement.</u>
<u>Notice of Hearing Examiner Decision</u>	<u>Parties of record; project proponent; affected government agencies.</u>	<u>Mailing</u>	<u>Upon issuance of decision.</u>	<u>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).</u>
<u>Notice of City Council Decision</u>	<u>Parties of record; project proponent; affected government agencies.</u>	<u>Mailing</u>	<u>Upon issuance of decision.</u>	<u>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).</u>

*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

1. 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.

<u>Appeal Type</u>	<u>Decision Being Appealed</u>	<u>Appeal Authority</u>
<u>Administrative Decision</u>	<u>Administrative decision made under this title</u>	<u>Hearing Examiner</u>
<u>Environmental Determination (SEPA)</u>	<u>DNS, DS, FEIS, or other appealable SEPA determination</u>	<u>Hearing Examiner</u>
<u>Hearing Examiner Decision</u>	<u>Final Hearing Examiner decision</u>	<u>Superior Court</u>
<u>Shoreline Permit Decision</u>	<u>Shoreline substantial development permit, variance, conditional use permit, or permit rescission</u>	<u>Shorelines Hearings Board</u>

C. General Appeal Requirements.

<u>Requirement</u>	<u>Standard</u>
<u>Written Appeal Required</u>	<u>Appeals shall be submitted to the Community Development Department in writing.</u>
<u>Content of Appeal</u>	<u>The appeal shall clearly identify alleged errors of fact or law.</u>

<u>Appeal Fee</u>	<u>Appeals shall be accompanied by the fee established by the current fee schedule.</u>
<u>Number of Appeals</u>	<u>Only one open-record appeal is allowed for decisions associated with a single land use or development application.</u>
<u>Subsequent Interpretations</u>	<u>Requests to interpret, explain, modify, or retract a decision do not create a new appeal period for third parties.</u>
<u>Environmental Appeals</u>	<u>Appeals of environmental determinations shall be joined with appeals of the related substantive decision when required by law.</u>

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.

<u>Appeal Type</u>	<u>Filing Deadline</u>
--------------------	------------------------

<u>Administrative Decision</u>	<u>14 calendar days from the date of the decision or publication of notice, if applicable</u>
<u>Final DNS</u>	<u>14 calendar days from the date the DNS becomes final</u>
<u>DS</u>	<u>14 calendar days from publication of the DS</u>
<u>Final EIS</u>	<u>20 calendar days from issuance of the permit or approval</u>
<u>Permit Modification or Retraction (applicant only)</u>	<u>14 calendar days from the date of the action</u>

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.

<u>Appeal Type</u>	<u>Filing Deadline</u>
<u>Land Use Decision</u>	<u>21 calendar days after issuance of the decision</u>
<u>Environmental Determination and Related Substantive Decision</u>	<u>20 calendar days after the substantive decision</u>
<u>Other Decisions</u>	<u>Time established by applicable ordinance or statute; if none, 21 calendar days</u>

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.

<u>Appeal Type</u>	<u>Filing Deadline</u>
<u>Substantial development permit</u>	<u>21 calendar days from receipt of the final order</u>
<u>Conditional use permit</u>	<u>21 calendar days from receipt of the final order</u>
<u>Variance</u>	<u>21 calendar days from receipt of the final order</u>
<u>Permit rescissions</u>	<u>21 calendar days from receipt of the final order</u>

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 ~~17.042.90~~. 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 [17.042.90](#).

[...]

17.56.030 Procedure.

The procedure for a conditional use permit shall be as set forth in Chapter [15.152.90](#) for consolidated permit processing, and also includes the following:

[...]

F. The hearing examiner decision may be appealed per Chapter [17.042.90](#).

[...]

17.60.030 Procedure.

Variance applications shall be processed as a Type II land use permit as set forth in Chapter [15.152.90](#) for consolidated permit processing. Zoning waivers (administrative) shall be processed as a Type IA land use permit as set forth in Chapter [15.152.90](#) 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 [17.042.90](#).

[...]

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 [17.042.90](#), 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

RepealedHOME OCCUPATION PERMITS

Sections:

[17.68.010](#) ~~Repealed~~**General requirements.**

[17.68.020](#) ~~Repealed.~~

[17.68.030](#) ~~Repealed~~**Procedure.**

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 [2.9015.15](#) 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 [17.042.90](#) 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 [17.042.90](#).

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 [15.152.90](#) 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:

- [17.98.010 Purpose.](#)
- [17.98.020 Number of model home permits authorized.](#)
- [17.98.030 Eligibility for a model home permit.](#)
- [17.98.040 Application requirements.](#)
- [17.98.050 Model homes—Occupancy.](#)
- [17.98.060 Model homes as-built submittal.](#)
- [17.98.070 Removal.](#)
- [17.98.080 Permitted.](#)
- [17.98.090 Model home permit decision **Appeals.**](#)

[...]

17.98.090 Model home permit decision **Appeals.**

Administrative approvals may be appealed in accordance with the requirements set forth in Chapter [2.9017.04.](#)

[...]

Chapter 17.100

ACCESSORY DWELLING UNITS (ADUS)

Sections:

[17.100.010 Purpose and intent.](#)

~~[17.100.020 Permit required.](#)~~

[17.100.0230 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.~~

17.100.0230 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 [15.152.90](#).

F. An application for a temporary homeless encampment permit shall be processed as a Type II temporary homeless encampment permit under Chapter [15.152.90](#) 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 [15.152.90](#), 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 [17.042.90](#) 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 [17.042.90](#).

[...]

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 [17.042.90](#). 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.

17.120.020 General requirements.

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:

[18.05 General Provisions](#)

[18.10 Enforcement and Administration](#)

[18.15 Notice of Violation and Order/Administrative Proceeding](#)

[18.20 Voluntary Compliance Agreements](#)

[18.25 Notice of Infraction](#)

[18.30 Stop Work Orders](#)
[18.35 Civil Fines and Civil Penalties](#)
[18.40 Abatement](#)
[18.45 Liens](#)
[18.50 Unfit Dwellings, Buildings and Structures](#)

Chapter 18.15

NOTICE OF VIOLATION AND ORDER/ADMINISTRATIVE PROCEEDING

Sections:

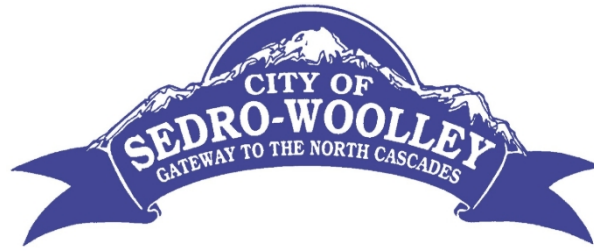
[18.15.010 Notice of violation.](#)
[18.15.020 Service—Notice of violation.](#)
[18.15.030 Right of appeal—Timeliness.](#)
[18.15.040 Notice of violation and order aAppeal procedure.](#)

[...]

18.15.040 [Notice of violation and order aAppeal 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 [17.042.90](#). In the event of a conflict between this chapter and any Chapter [17.042.90](#) provisions involving appeal procedures, Chapter [17.042.90](#) shall control.



Planning Commission Agenda Item

Agenda Item No.: i.1.

Date: July 21, 2026

From: Nicole McGowan, Planner

Subject: Update on Critical Areas Ordinance (CAO) Amendments

RECOMMENDED ACTION:

None, information only.

BACKGROUND/SUMMARY INFORMATION:

Facet NW has provided staff with a first draft of proposed amendments to Chapter 17.65 SWMC - *Regulations for Critical Areas*. The draft is currently under review with city staff. We anticipate the draft being ready to present to the Planning Commission most likely at the August 18, 2026, Planning Commission meeting.

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 reimbursable by the WA State Department of Commerce Grant.

ATTACHMENTS:

None