

PLANNING COMMISSION
February 20, 2024
6:30 PM
Planning Commission

a. Call to Order

b. Pledge of Allegiance

c. Roll Call

d. Consent Agenda

1. Minutes from December 19, 2023 PC 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.'

f. Elections

1. Election of Planning Commission Chairperson and Vice-Chairperson.

g. Public Hearing(s)

1. Proposed Amendments to Chapter 16.04 SWMC to Add a Definition for "Shadow Plat" and to Allow Shadow Platting as a Method of Satisfying the Minimum Density Requirement of 4 Dwelling Units Per Acre.
2. CPA-1-23 - Proposed Changes to the Zoning and Comprehensive Plan Land Use Maps - Bendtsen Rezone Request (RZ-2023-004).

h. Unfinished Business

i. New Business

1. Proposed Amendments to Chapters 2.90, 17.08, 17.12 and 17.16 SWMC and the Addition of Chapter 17.120 SWMC to Add Regulations for Tiny Home Communities.

j. Planning Commission Discussion/Information Items

1. Welcome Planning Commissioners Cassandra Sexson and Matthew Desvoigne.

k. Adjournment

PLANNING COMMISSIONERS

Pat Huggins

Eric Johnson

Danielle Freiburger

The City of Sedro-Woolley complies with applicable Federal civil rights laws and does not discriminate on the basis of race, color, national origin, limited English proficiency, age, disability, or sex. The City of Sedro-Woolley doesn't exclude people or treat them differently because of race, color, national origin, limited English proficiency, age, disability, or sex.

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:

<https://zoom.us/j/98042863482?pwd=dnpVeXp4YUJYQVBtdm10VTZ2VVlyZz09>

Or by phone: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833 or +1 312 626 6799 or +1 929 205 6099 or +1 301 715 8592

**CITY OF SEDRO-WOOLLEY
PLANNING COMMISSION MEETING
MINUTES
December 19, 2023**

CALL TO ORDER: Planning Commission Chair, Joe Fattizzi, called the meeting to order at (6:30 pm.)

PLEDGE OF ALLEGIANCE

ROLL CALL:

- Present Commissioners: Danielle Freiburger (virtual), Paul Cocke, Eric Johnson, Joe Franett, Joe Fattizzi, Pat Huggins and Silas Maddox (virtual)
- Absent Commissioners: None
- Present Staff: Nicole McGowan
- Members of public in attendance: 2

APPROVAL OF CONSENT AGENDA/MINUTES: Minutes from November 20, 2023 meeting was approved with minor edits.

GENERAL PUBLIC COMMENTS: (Opened at 6:33 p.m.) There were no written comments to be entered into the record. The first public comment came from Paul Hieb (8643 Westerman Road). Mr. Hieb came in tonight to discuss the Boundary Line Adjustment he had asked for at the last meeting in November. He would like to sell his house at 804 Jones Road and keep the remaining land for farming. Public comments closed at 6:36 p.m.

PUBLIC HEARING: None

PUBLIC HEARING COMMENTS: None

UNFINISHED BUSINESS:

1. Proposed amendments to Ch. 16.04 SWMC to add a definition for shadow plat, and to allow shadow platting as a method of satisfying the minimum density requirement of four dwelling units per acre.

Assistant Planner, Nicole McGowan, gave a brief overview of the current regulations. Applicants that wish to subdivide their property have to meet the minimum requirements of the four dwelling units per acre. This requirement was put together by the Growth Management hearings board under the Growth Management Act to prevent urban sprawl within cities. Many Sedro-Woolley residents have requested to perform subdivisions of their property at less than four units per acre with the intention of selling the remaining property or developing the remaining property to that density in the future. Currently, there are no provisions in the code that allow for the eventual satisfaction of the minimum density requirement. Applicants have to develop to four units per acre at minimum otherwise the subdivision application cannot be processed. At the last Planning Commission meeting held in November, staff and the Planning Commission discussed

methods of how other jurisdictions have allowed development at under four units per acre density in code. The Planning Commission voiced shadow platting as the preferred method for Sedro-Woolley, as this would be in line with the requirements of the GMA and allows for some flexibility for applicants to subdivide within their means and desires. The definition of shadow platting included under SWMC 16.04.030 reads “Shadow plat is the non-binding map or representation demonstrating that a property is capable of future subdivision according to current development regulations at minimum residential density.” Also, under SWMC 16.04.060 is the explanation of how shadow platting can be used to meet the four units per acre requirement. This language was modeled off of the Mount Vernon code and reads “Shadow platting may be used to satisfy the minimum density requirements if the applicant can demonstrate that the proposed techniques would allow the eventual satisfaction of minimum density requirements through future development. The applicant must demonstrate that the current and proposed development will not preclude the provision of adequate access and infrastructure necessary for future development. A property owner subdividing property shall submit to the city a shadow plat with the subdivision application materials demonstrating that said property is capable of further subdivision according to current development regulations at minimum residential density. The submitted shadow plat need only identify proposed right-of-way and lot sizes yielding the required density. Said shadow plat is non-binding and need not be recorded provided that any proposal seeking to further develop the property in a manner which differs from the original shadow plat shall demonstrate that said development accommodates appropriate rights of way and continues to yield the minimum residential density required. Amending a shadow plat shall be an administrative process.”

Commissioner, Paul Cocke, favors this kind of approach when dealing with situations as Mr. Hieb described, if it's on a case-by-case basis. Commissioner, Eric Johnson, agrees this is a great idea, and a nice way to find a middle ground for not only the city but the property owners as well. Commissioner, Danielle Freiburger, likes this idea and how simple it is. She mentioned when she was looking at Mount Vernon's code (Ch. 17.118 MVMC), it seems to indicate that it's a standard for urban residential density in the urban growth area and does not specifically say that applies outside of that. Assistant Planner, Nicole McGowan, thinks that may be just how Mount Vernon handles this situation. She states for the city most of the vacant parcels within the city are going to be larger ones on the periphery and does not see any issue with allowing this in residential zones throughout the city. Commissioner, Silas Maddox, agrees this is a good solution. Commissioner, Joe Franett, also agrees this is a great idea and he too would vote in favor of this new amendment. Commissioner, Pat Huggins, agrees with his fellow commissioners. Shadow platting is a great idea, he likes that the process allows property owners, developers, and builders to have flexibility in their design while also having the Planning Director's supervision. Chair commissioner, Joe Fattizzi, likes the definition and explanation of shadow platting and believes this is an easy way to accommodate.

NEW BUSINESS: None

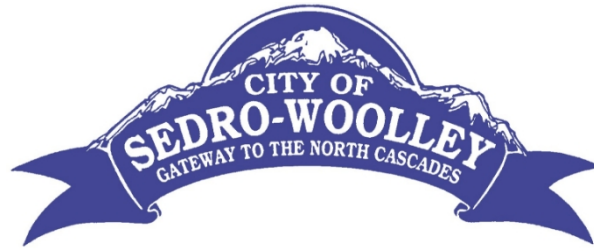
PLANNING COMMISSION DISCUSSION/INFORMATION ITEMS:

Commissioner, Eric Johnson and Commissioner, Paul Cocke, thank you both for your outstanding years of service. We wish you both the best of luck in your next adventures.

ADJOURNMENT: (Time: 7:09 p.m.)

PLANNING COMMISSION CHAIRMAN

PLANNING COMMISSION SECRETARY



Planning Commission Agenda Item

Agenda Item No.: g.1.

Date: February 20, 2024

From: Nicole McGowan, Assistant Planner

Subject: Proposed Amendments to Chapter 16.04 SWMC to Add a Definition for "Shadow Plat" and to Allow Shadow Platting as a Method of Satisfying the Minimum Density Requirement of 4 Dwelling Units Per Acre.

RECOMMENDED ACTION:

Review the proposed amendments to Chapter 16.04 SWMC; hold a public hearing and discuss amendments; and make a motion to recommend that the City Council approve the proposed amendments to Chapter 16.04 SWMC.

ISSUE:

Several Sedro-Woolley residents have requested to perform short subdivisions of larger properties, typically greater than one acre in size. Most often, their goal is to section off one or two lots for their own ownership and then sell the remaining portion of the property. However, due to existing minimum density requirements in the subdivision regulations under Chapter 16.04 SWMC, this is not possible. SWMC 16.04.060(A) states that "a subdivision, short plat, binding site plan, or planned residential development, solely for residential purposes, shall have an average net density as defined in Section 17.04.030, for the entire development of not under four units per acre." Staff proposes adding a definition for "shadow plat" to SWMC 16.04.030 and updating SWMC 16.04.060 to include shadow platting as a method of satisfying the minimum density requirement of four units per acre through future development.

BACKGROUND/SUMMARY INFORMATION:

The Washington State Growth Management Act (GMA) requires that every city plan to reduce the inappropriate conversion of undeveloped land into sprawling, low-density development. The minimum residential density of four dwelling units per acre was put in place as a framework by the Growth Management Hearings Board to guide jurisdictions to that end. Cities ultimately hold the burden and responsibility for planning for and harmonizing with the planning goals of the GMA and implementing a city's future rests with that community. The GMA acts exclusively through local governments to accommodate local needs. Ultimately, the Hearing Board does not have the authority to make "public policy" because they are a quasi-judicial agency that serves a limited role. Their powers are restricted to a review of those matters specifically delegated by statute. In short, cities may exercise discretion in how they achieve reduction of urban sprawl per the GMA while also accommodating for local needs. It is important that cities comply with the requirements of the GMA, so we cannot dispose of the minimum density requirement of four dwelling units per acre for subdivisions. However, there are examples of

cities that have found creative ways to allow for short subdivisions of larger properties. One example is the city of Mount Vernon, WA. They have included shadow platting as an option applicants can use to satisfy their minimum density requirement of four dwelling units per acre over time. In Mount Vernon, shadow platting may be used to satisfy the minimum density requirements if the applicant can demonstrate that future development would allow for the eventual satisfaction of minimum density requirements. The applicant must submit a shadow plat that shows the current and proposed development will not preclude the provision of adequate access and infrastructure for future development and shows the subject property is capable of future subdivision at a density of four dwelling units per acre according to current development regulations. Shadow plats are not binding as they are not recorded documents, provided that any proposal seeking to further develop the subject property in a manner which differs from the original shadow plat shall demonstrate that said revised development proposal accommodates appropriate rights-of-way and continues to yield a density of four dwelling units per acre. Planning staff propose to amend SWMC 16.04.030 to add a definition for "shadow plat" and SWMC 16.04.060 to allow shadow platting as a method of satisfying the minimum density requirement of four dwelling units per acre, modeled after Mount Vernon's code language. The proposed amendments can be found herein as **Attachment 1**.

The proposed amendments are also supported by and implement the following goals and policies from the Land Use Element of the Sedro-Woolley Comprehensive Plan:

Land Use Element:

Goal LU1: To safely accommodate population growth without causing urban sprawl.

Goal LU3: To provide concurrent urban services.

Policy LU3.1: Coordinate land use decisions with the transportation and capital facilities elements of the comprehensive plan.

Policy LU3.3: Do not approve developments that cannot be serviced by city transportation and sewer services.

Goal LU5: To preserve community character.

Policy LU5.2: Resist growth pressures which could have a negative impact on community values.

Policy LU5.6: Ensure that the community's planning programs reflect basic community values.

Goal LU6: To provide clear review and approval processes for land use actions.

Goal LU7: To preserve Sedro-Woolley's unique history and small-town character.

Goal LU15: To resolve conflict between existing agricultural uses and quickly growing residential areas.

Proposal review process:

1. The issue was introduced to the Planning Commission at the November 20, 2023 Planning Commission meeting. After discussion, planning staff was tasked with drafting regulations for Shadow Platting.
2. Planning Commission reviewed and discussed the proposed amendments at the December 19, 2023 Planning Commission meeting. Planning staff was tasked with preparation for a public hearing at the next meeting.
3. Public notice of a January 16, 2024 Public Hearing was published in the Skagit Valley Herald on January 5, 2024. This meeting was canceled, however, one public comment was received by the residents of 539 F & S Grade Rd. (**Attachment 2**) in support of shadow platting and the comment has been accepted into the record.
4. Public notice of the February 20, 2024 Public Hearing (**Attachment 3**) was published in the Skagit Valley Herald on February 10, 2024.
5. Hold a public hearing at the February 20, 2024 Planning Commission meeting.

FISCAL IMPACT, IF APPROPRIATE:

None.

ATTACHMENTS:

1. Draft Amendments
2. Lilgreen Comment (Received 1-16-24)
3. Notice of February 20, 2024 Public Hearings

Chapter 16.04

GENERAL PROVISIONS

[...]

16.04.030 Definitions.

As used in this chapter, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section shall have the indicated meanings:

- A. "Subdivision" is the division or redivision of land into five or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership, except as provided in subsection F of this section.
- B. "Plat" is a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys or other divisions and dedications.
- C. "Dedication" is the deliberate appropriation of land by an owner for any general and public uses reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat or short plat showing the dedication thereon; and the acceptance by the public shall be evidenced by the approval of such plat for filing by the appropriate governmental unit.
- D. "Preliminary plat" is a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision consistent with the requirements of this chapter. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision.
- E. "Final plat" is the final drawing of the subdivision and dedication prepared for filing for record with the county auditor and containing all elements and requirements set forth in this chapter and in local regulations adopted under this chapter.
- F. "Short subdivision" is the division or redivision of land into four or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership.
- G. "Binding site plan" means a drawing to a scale specified by local ordinance which: (a) identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by local regulations; (b) contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the city in approving the site plan; and (c) contains provisions making any development be in conformity with the site plan.

- H. "Short plat" is the map or representation of a short subdivision.
- I. "Lot" is a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.
- J. "Block" is a group of lots, tracts, or parcels within well defined and fixed boundaries.
- K. "Code" is the Sedro-Woolley Municipal Code.
- L. "City engineer" is the Sedro-Woolley director of public works.
- M. "Director" is the Sedro-Woolley planning director.
- N. "Hearing body" is the decision making body specified in Chapter [2.90](#), unless otherwise specified herein. (Ord. [1487-04](#) § 2 (part), 2004; Ord. [1450-03](#) § 2 (part), 2003)

O. "Shadow plat" is the non-binding map or representation demonstrating that a property is capable of future subdivision according to current development regulations at minimum residential density.

16.04.040 Compliance with state law and land use code.

Every division of land shall comply with the provisions of state law and the provisions of this title. They shall conform to the comprehensive plan and all zoning regulations, in effect at the time any preliminary plat is approved. Lots shall be of a size and dimension and have access and infrastructure adequate to satisfy the requirements of this title and Sedro-Woolley Municipal Code Titles [13](#), [15](#) and [17](#). (Ord. [1487-04](#) § 2 (part), 2004; Ord. [1450-03](#) § 2 (part), 2003)

16.04.050 Effect of noncompliance.

No building permit or other development permit shall be issued for any lot, tract or parcel of land divided in violation of state law or this subtitle, unless the director finds that the public interest will not be adversely affected by the decision. (Ord. [1487-04](#) § 2 (part), 2004; Ord. [1450-03](#) § 2 (part), 2003)

16.04.060 Minimum and maximum residential density.

A. A subdivision, short plat, binding site plan, or planned residential development, solely for residential purposes, shall have an average net density, as defined in Section [17.04.030](#), for the entire development of not under four units per acre.

B. A variance from this requirement may be granted by the hearing body through the subdivision approval process to accommodate site constraints which make development at the required minimum density impractical or inconsistent with the purposes of this chapter.

C. Factors which may warrant a density reduction, include, but are not limited to:

1. Critical areas in excess of twenty percent of the site;
2. Stormwater management;
3. Significant wildlife corridors; and utility corridors.

D. As a condition of granting a density reduction, the applicant must demonstrate that the minimum density cannot be achieved by clustering the housing on the buildable portions of the site.

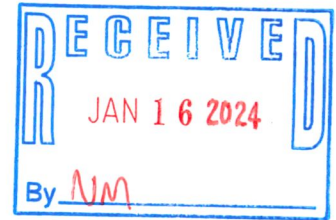
E. Shadow platting may be used to satisfy the minimum density requirements if the applicant can demonstrate that the proposed techniques would allow the eventual satisfaction of minimum density requirements through future development. The applicant must demonstrate that the current and proposed development will not preclude the provision of adequate access and infrastructure necessary for future development. A property owner subdividing property shall submit to the city a shadow plat with the subdivision application materials demonstrating that said property is capable of further subdivision according to current development regulations at minimum residential density. The submitted shadow plat need only identify proposed rights-of-way and lot sizes yielding the required density. Said shadow plat is non-binding and need not be recorded, provided that any proposal seeking to further develop the property in a manner which differs from the original shadow plat shall demonstrate that said development accommodates appropriate rights-of-way and continues to yield the minimum residential density required. Amending a shadow plat shall be an administrative process.

~~FE~~. Maximum housing density is set in each zoning designation, in Title [17](#). (Ord. [1487-04](#) § 2 (part), 2004; Ord. [1450-03](#) § 2 (part), 2003)

[...]

January 14, 2024

Re: Proposed Amendments to Chapter 16.04 SWMC



To Sedro Woolley Planning Commission,

Our names are Brandon and Jennifer Lilgreen and we reside at 539 F and S Grade Road. We are strongly in favor of the proposed amendments to Chapter 16.04 regarding shadow platting for property subdivision. Over the last year we have been working with Nicole McGowan to determine our options for subdividing our property in order to remain living on one portion and sell the other, only to find out that we are unable to do so under the current SWMC language due to the minimum density requirements. In our current situation, we not only have more land than we need but we also co-own the property with another single family household. We love living in this area but unfortunately do not have the means or ability to fulfill the requirements of the current SWMC for subdividing our property. We are currently left with the options of holding onto land that is not being used or sell altogether, which is not desirable. The amendment to Chapter 16.04 would give us, and other Sedro Woolley residents, more options and flexibility for what can be done with our properties but also allow our residence to become legally separated from the other single family residence. We are hopeful that the amendments will satisfy both the City and its residents.

Sincerely,

Brandon and Jennifer Lilgreen
539 F and S Grade Road
bdililgreen@gmail.com

NOTICE OF PUBLIC HEARINGS
CITY OF SEDRO-WOOLLEY
Amendments to Comprehensive Plan and Zoning Map
and
Amendments to Development Regulations
City of Sedro-Woolley Council Chamber
And Virtually via Zoom Webinar

The City of Sedro-Woolley Planning Commission will hold public hearings on **February 20, 2024 at 6:30 PM**, in the Sedro-Woolley Council Chambers and via Zoom Webinar, to hear testimony regarding the following proposed amendments to the City Comprehensive Plan and the City Development Regulations:

Possible amendments to the Comprehensive Land Use map and the Zoning map:

1. Rezone request #2023-004 – Bendtsen – request to change the zoning designation of roughly 0.85 acres of land from Residential 7 to Residential 15

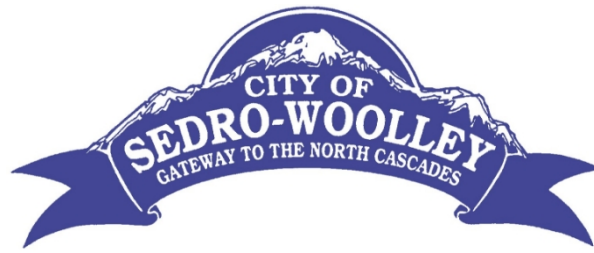
Possible amendments to the City Development Regulations:

1. Proposed amendments to Chapter 16.04 SWMC to add a definition for “Shadow Plat” and to allow shadow platting as a method of satisfying the minimum density requirement of 4 dwelling units per acre

Interested parties can comment on the proposed changes in writing or at the hearing. **Written comments must be received by 4:30 PM on February 20, 2024** to be considered at the public hearing. Send written comments to: City of Sedro-Woolley Planning Department, ATTN: Assistant Planner, 325 Metcalf Street, Sedro-Woolley, Washington, 98284, or by email to nmcgowan@sedro-woolley.gov.

Please go to the Planning Commission Meetings page on the Sedro-Woolley website (<https://sedrowoolleywa.portal.civicclerk.com>) to find the meeting materials and a link to join the webinar.

Published in the Skagit Valley Herald: February 10, 2024



Planning Commission Agenda Item

Agenda Item No.: g.2.

Date: February 20, 2024

From: Nicole McGowan, Assistant Planner

Subject: CPA-1-23 - Proposed Changes to the Zoning and Comprehensive Plan Land Use Maps - Bendtsen Rezone Request (RZ-2023-004).

RECOMMENDED ACTION:

Hold a public hearing on the 406 Ball Street rezone proposal (RZ-2023-004); Discuss the rezone proposal; Make a motion that the City Council approves amendments to the Comprehensive Plan and Zoning Maps as proposed in RZ-2023-004 to change the zoning designation of Assessor's Parcel #P77185 from the current Residential 7 zoning designation to Residential 15.

ISSUE:

Once each year, the City of Sedro-Woolley accepts rezone applications to be processed as part of the annual Comprehensive Plan Docket. In 2023, two requests that affect zoning were placed on the 2023 Docket by the City Council. The first application – referred to as the “Peterson Rezone” – was submitted by Paul and Elizabeth Peterson, the owners of 1122 State Street (Assessor’s Parcel #P39825) and was assigned file #RZ-2023-001. This rezone application was approved by the City Council. However, the second application – referred to as the “Bendtsen Rezone” – submitted by John Bendtsen, the owner of 406 Ball Street (Assessor’s Parcel #P77185) and assigned file #RZ-2023-004 - had a stay placed on the application in light of a processing issue discovered at the public hearing held with the Planning Commission May 16, 2023. The application stay request letter from applicant, John Bendtsen, can be found herein as **Attachment 1**. Said issue has since been resolved via Ordinance #2058-23 (**Attachment 2**) and planning staff is ready to hold the public hearing with the Planning Commission again for the Bendtsen Rezone.

BACKGROUND/SUMMARY INFORMATION:

The current R-7 zoning designation regulations are shown in **Attachment 3** and the current R-15 zoning designation regulations are shown in **Attachment 4**. The Bendtsen Rezone request is described in further detail below.

Proposal Process:

Procedural History - Per the Growth Management Act (Chapter 36.70A RCW), changes to the Sedro-Woolley Comprehensive Plan may be considered no more than once per year. Amendments may be suggested by citizens, staff or elected officials. All proposed amendments to the Comprehensive Plan must be considered at one time; this list of proposed amendments is termed the "Docket." The City Council determines what items are included on the annual Docket. Any amendments to the city's

Comprehensive Plan, zoning map or development regulations that would require changes to the Comprehensive Plan shall be reviewed as part of the Docket. Rezone requests are required to be reviewed as part of the annual Comprehensive Plan update process. Rezone requests are processed as a Type VI permit per SWMC 2.90.070(G) and require Planning Commission review and recommendation to the City Council.

Advertisements for the opportunity to submit Comprehensive Plan amendment applications were published December 2, 2022 and January 3, 2023 in the Skagit Valley Herald. The deadline for applications was set for January 13, 2023. Notice of the open application period was also advertised on the City website and in the lobby of City Hall. No requests from the public were received for amendments to the Comprehensive Plan text. The Bendtsen Rezone application (RZ-2023-004) was received ahead of the published deadline.

The Notice of Application for the Bendtsen Rezone was issued February 23, 2023. A deadline for public comments was set for March 9, 2023. No public comments were received regarding the Bendtsen Rezone.

The Bendtsen rezone request was introduced as a topic of study at the February 1, 2023 joint City Council and Planning Commission study session. At the February 1 meeting, the City Council made a motion to add the rezone request to the 2023 Docket. Planning Commission intended to hold a public hearing on the Bendtsen Rezone request on May 16, 2023. At the May 16 meeting, the Planning Commission identified the following statement in the intent section of the R-15 zoning code: "Because multifamily is permitted in the MC and CBD zones, no new areas shall be designated R-15." This statement was found by the Planning Commission to be a barrier to any further proceedings with the consideration of the Bendtsen Rezone request, as the request was to rezone an R-7 zoned property to R-15. As a result, a stay was placed on John Bendtsen's rezone application until planning staff could address the issue and return to the Planning Commission for a public hearing. The statement was removed with City Council approval via Ordinance #2058-23 and the Planning Commission public hearing on the Bendtsen Rezone request was rescheduled for January 16, 2024. That meeting was canceled and the Planning Commission public hearing was postponed to February 20, 2024. After the Planning Commission gives the opportunity for the public to comment on the proposal, the Planning Commission may make a recommendation as to whether the City Council should approve the rezone. The Planning Commission may schedule more hearings for further review of the file as necessary. After the Planning Commission recommendations are complete, the City Council can either adopt the Planning Commission's recommendations, request the Planning Commission to re-examine the topic, or hold its own public hearings and adopt different amendments from what the Planning Commission recommended.

A SEPA Checklist was completed for CPA-1-23, which includes the Bendtsen Rezone request (RZ-2023-004). A SEPA Determination of Non-Significance was issued by the Planning Department on May 10, 2023.

RCW 36.70A.106 requires that a Notice of Intent to Adopt Amendments to Comprehensive Plans and Development Regulations shall be submitted to the Washington State Department of Commerce for 60-day review. The Notice of Intent was sent May 5, 2023 and the 60-day notice period ended on July 4, 2023.

A Notice of Public Hearing for the February 20, 2024 public hearing on the Bendtsen Rezone request (**Attachment 5**) was posted on the subject site, sent to all property owners and residents within 500 feet

of the subject property and published in the legal notices section of the Skagit Valley Herald on February 10, 2024 per the requirements of Chapter 2.90 SWMC. A deadline for public comments was set for February 20, 2024. One written public comment was received in the mail from the owner of 810 Chester Street (**Attachment 6**), stating their concern that 406 Ball Street may contain wetlands. When development applications are received for this property, the proposal will be subject to review under Chapter 17.65 SWMC - Regulations for Critical Areas. After reviewing the application materials (which will include an environmental checklist) and conducting a site visit, staff will determine whether a critical areas assessment and mitigation plan will need to be submitted if there are indicators of critical areas on site.

Zoning vs. Comprehensive Plan Map - There are two maps that reflect the zoning of a property; the Comprehensive Plan Land Use Map and the Zoning Map. For the most part, the maps are identical, however there are differences. The Comprehensive Land Use Map is part of the Land Use Element of the Comprehensive Plan and guides the Zoning Map. The Comprehensive Land Use Map shows what the future zoning of a property may be. For example, properties in the urban growth area (UGA) are not in the City of Sedro-Woolley's jurisdiction, but if any part of the UGA were to be annexed, then the Comprehensive Plan Land Use Map shows what the zoning will be when it is incorporated into the City. The Comprehensive Land Use Map graphically shows the future land use plans expressed in the Land Use Element. The Zoning Map shows a property's current zoning designation and directs the reader to the zoning code (Title 17 SWMC) to learn what each specific zone allows. Approved rezone requests will require amendments to both the Comprehensive Plan Land Use Map and the Zoning Map.

Analysis - Two separate rezone requests were included under CPA-1-23: rezone request RZ-2023-001 for Paul and Elizabeth Peterson (which has already been approved) and rezone request RZ-2023-004 for John Bendtsen. The location of the Bendtsen rezone request is shown in **Figure 1** below.

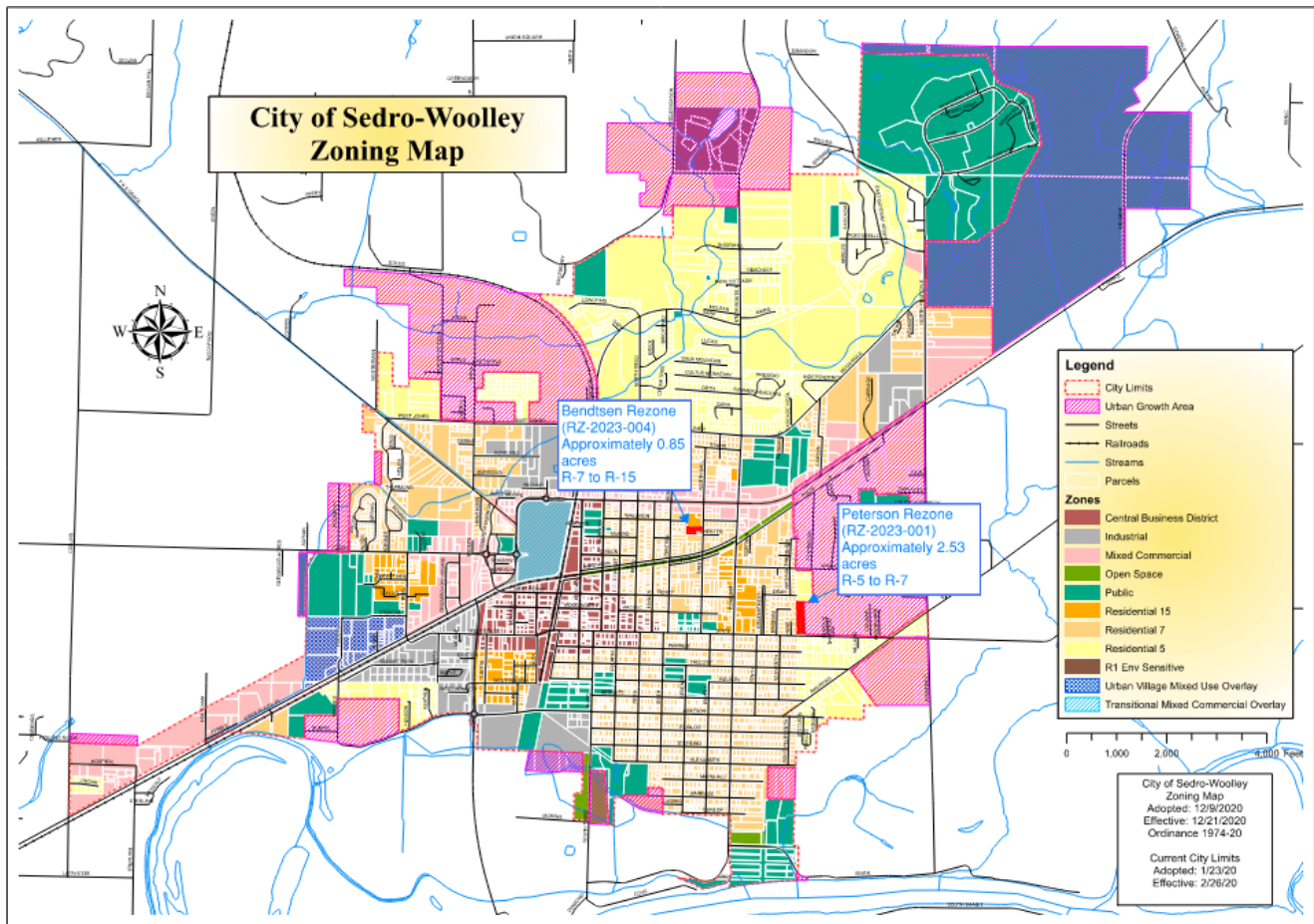


Figure 1 - Location of the 2023 Docket rezone requests within the city.

Application #RZ-2023-004 - Bendtsen Rezone - John Bendtsen has requested to change the zoning designation of 406 Ball Street (Assessor's Parcel #P77185), a roughly 0.85-acre piece of land from R-7 to R-15. A close-up of the zoning map in the area is shown in **Figure 2** below. The property to the north is zoned R-15 and the properties to the south, east and west are all zoned R-7. An aerial photo of the land uses in the area is shown in **Figure 3** below. Uses surrounding the property include a 30-unit apartment complex to the north, a church to the south and single-family homes to the east and west.

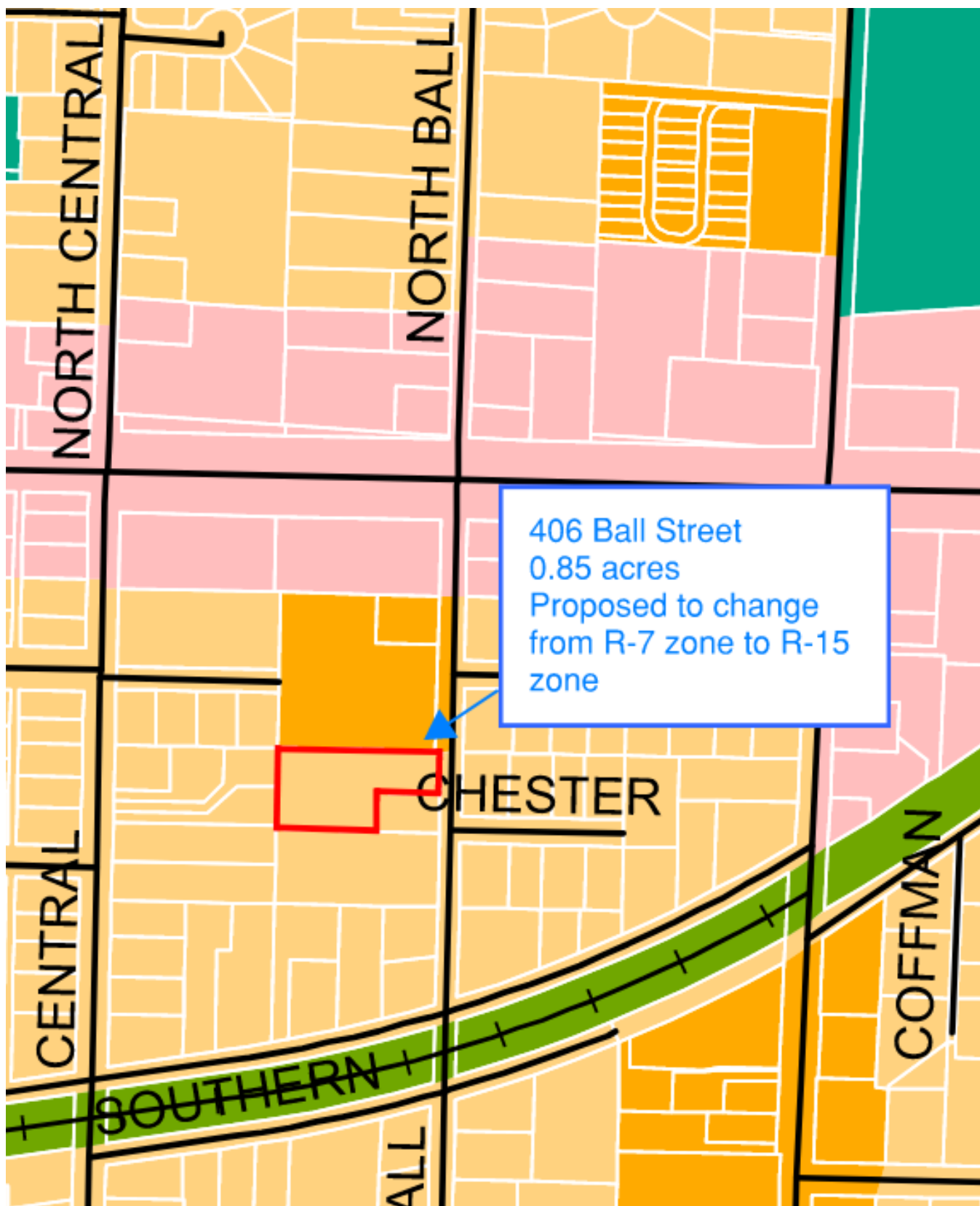


Figure 2 - Zoning map in the Bendtsen Rezone request area (RZ-2023-004).



Figure 3 - Aerial image of land uses in the Bendtsen Rezone request area (RZ-2023-004).

The property is located at 406 Ball Street, which is just west of the intersection of Ball Street and Chester Avenue. Per Skagit County's iMap, there was a residence on site in 1969. The residence appears to have been demolished by 2005 and the property has since sat undeveloped with heavy deciduous tree, brush and grass cover. It is unknown at this time whether critical areas exist on site as no critical area assessments have been performed on this site to date.

The owners of the property are John Bendtsen (applicant) and Lincoln Aldridge. They are pursuing a future multi-family residential development of the property, but there is no development application currently pending for development of the subject parcel. The rezone application states that “Home of the Brave will provide much-needed housing to our community’s disabled and retired veterans.” A zoning change is not contingent on the proposed development. If a zoning change is made, any development that meets the new zoning code requirements could be approved.

Under the current R-7 zoning designation, residential development is limited to single-family residence on lots of 6,000 square feet or greater or duplexes on lots of 9,000 square feet or greater (also subject to the additional requirements listed in SWMC 17.12.010(A)(4)) at a maximum density of seven units per acre. If the rezone to R-15 were approved, it would allow the area to be developed for multi-family housing at a higher maximum density of 15 units per acre. The construction of multi-family residences would be limited to eight units per building at two stories or 12 units per building at three stories if the units are evenly distributed between the three floors. In the event the rezone to R-15 is approved, the

property may be able to accommodate the development of approximately 12 housing units as opposed to the roughly 4-5 housing units that can be accommodated under the current R-7 zoning.

When considering a zoning change of any property, it is important to consider whether the uses allowed under the new zoning would be compatible with existing uses on the subject property as well as existing uses on adjacent land. It is also imperative that city services have the capacity to accommodate the development allowed under the new zoning as well. It is estimated that an upzone at 406 Ball Street from the current R-7 zoning to R-15 zoning would allow an additional 8-9 housing units on the property. The upzone would allow multi-family units in addition to single-family homes and duplexes, as previously mentioned. Most of the properties in the area are currently used for residential purposes, with the exception of the church to the south. A multi-family development, as the applicant intends to develop in the future, would be compatible with the existing church, single-family and multi-family residential uses in the area. City services would be able to accommodate an additional 8-9 housing units at the subject property as well.

Consistency with Existing Comprehensive Plan - Staff has reviewed the site conditions on the subject property and has reviewed the rezone request for consistency with the Sedro-Woolley Comprehensive Plan. The following Land Use Element and Housing Element Goals and Policies support the proposed rezone request:

Policy LU3.3: Do not approve developments that cannot be serviced by city transportation and sewer services.

City transportation and sewer services will be able to accommodate the increased allowable density that would result from approval of the rezone request from R-7 to R-15.

Policy LU3.4: Deny approval to developments that would lower streets or sewer lines below established levels of service standards, unless:

- 1. The city accounts for such deficiency in its capital facilities plan, or*
- 2. The developer provides services which maintain the level of service standard.*

The allowable density increase that would result from approval of the requested rezone from R-7 to R-15 will not lower streets or sewer lines below their established levels of service standards.

Policy LU6.3: Establish a concurrency review procedure. The developer shall be responsible for providing information on impacts the proposed development will have on public services. The city shall be responsible for determining if adequate public facilities can be provided to the development within the confines of the current Capital Facilities Plan.

The applicant has provided information with the rezone application materials detailing potential additional impacts that could result from an upzone to allow increased density. The information has been reviewed according to the confines of the current Capital Facilities Plan and staff have determined that adequate public facilities can be provided to the subject property with the requested density increase.

Policy LU6.6: Encourage community involvement and participation in the land use decision making process and provide understandable information and notices to affected residents and the press to enable meaningful involvement and participation.

Public notice regarding the rezone request has been sent to all affected residents and the press per the requirements of Chapter 2.90 SWMC to allow for meaningful community involvement and participation.

Goal H2: To provide affordable housing for all current and future Sedro-Woolley residents.

Allowing a rezone from R-7 to R-15 will allow for the additional option of developing multi-family units as opposed to only duplex and single-family units. This would provide additional affordable housing options for current and future Sedro-Woolley residents.

Policy H2.2: Encourage affordable housing for those with special needs (including, but not limited to disabled, low-income, and homeless).

Allowing a rezone from R-7 to R-15 will allow for the additional option of developing multi-family units as opposed to only duplex and single-family units. This would provide additional affordable housing options for special needs populations. The applicant has indicated interest in constructing a multi-family development for disabled and retired veterans should the rezone request be approved.

Policy H4.1: Develop a mix of multi-family residential units and single-family units throughout the community.

A rezone from R-7 to R-15 will allow for the additional option of developing multi-family units as opposed to only duplex and single-family units. A multi-family development at this location would add to the existing mix of multi-family, duplex and single-family residences in the surrounding area and create a better transition between the existing R-15 zoning designation of the property to the north and the R-7 zoning designations of the properties to the east, west and south.

Conclusion - Staff finds that rezoning the 0.85-acre property at 406 Ball Street to R-15 is consistent with the Comprehensive Plan.

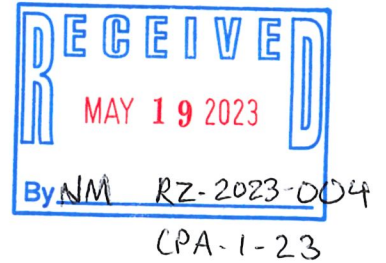
FISCAL IMPACT, IF APPROPRIATE:

None.

ATTACHMENTS:

1. Application Stay Request
2. Ordinance #2058-23
3. Current Residential 7 Zoning Regulations
4. Current Residential 15 Zoning Regulations
5. Notice of February 20, 2024 Public Hearings
6. Metcalf Comment (Received 2-9-24)

May 19, 2023



City of Sedro-Woolley
Building & Planning Department
Planning Commission

RE: File #RZ-2023-004

Dear Nicole,

Following the Planning Commission meeting on Tuesday, May 16, where there was language identified in the code from 2004 that mentioned a R15 moratorium:

I understand that this issue with the code could affect my rezone application at 406 Ball Street.

I agree to a stay in the process until the issue can be resolved.

Sincerely,

A handwritten signature in black ink that reads "John Bendtsen". The signature is fluid and cursive, with a long horizontal stroke at the end.

John Bendtsen

ORDINANCE NO. 2058-23

AN ORDINANCE OF THE CITY OF SEDRO-WOOLLEY, WASHINGTON, ADOPTING AMENDMENTS TO CHAPTER 17.16 SWMC TO REMOVE A STATEMENT IN THE INTENT SECTION RESTRICTING NEW R-15 ZONING DESIGNATIONS.

WHEREAS, a statement restricting the rezoning of property to R-15 resides under the Intent statement at the beginning of Chapter 17.16 SWMC. The statement reads: “Because multifamily is permitted in the MC and CBD zones, no new areas shall be designated R-15.” This issue was recently discovered at a public hearing before the Planning Commission to consider a rezone request from R-7 to R-15 for the property located at 406 Ball Street (#RZ-2023-004); and

WHEREAS, the Planning Commission tasked Planning staff with finding the origin of this statement and proposing a code amendment to remove it. A stay was placed on the rezone application until the matter is resolved; and

WHEREAS, the Planning Commission discussed the proposed amendments to remove the statement of issue at its July 18 and August 15, 2023 meetings; and

WHEREAS, the Planning Commission held a public hearing on August 15, 2023 to review the draft amendments to Chapter 17.16 SWMC and, following the public hearing, recommended that the City Council adopt amendments to remove the statement in the Intent section restricting new R-15 zoning designations; and

WHEREAS, the proposed changes are supported by and implement the Comprehensive Plan; and

WHEREAS, pursuant to RCW 36.70A.106, a notice of intent to adopt amendments to the city development regulations was sent to the Washington State Department of Commerce on September 20, 2023. A 15-day expedited review was requested and granted by Commerce. The expedited comment period ended October 5, 2023; and

WHEREAS, environmental review of the amendments has been completed and a Determination of Non-Significance was issued November 3, 2023; and

WHEREAS, the proposed ordinance is in the best interest of City of Sedro-Woolley citizens and promotes the health, safety and welfare of the citizens of the City of Sedro-Woolley; and

WHEREAS, the City Council adopts the forgoing as its findings of fact justifying its adoption of this Ordinance; now, therefore,

THE CITY COUNCIL OF THE CITY OF SEDRO-WOOLLEY, WASHINGTON, DO HEREBY ORDAIN AS FOLLOWS:

Section 1. SWMC 17.16.005 Intent is hereby amended as follows:

The intent of the R-15 zone is to achieve integration with Sedro-Woolley’s existing building types and configurations; incorporate open street layout similar to existing grid rather than closed circulation systems such as cul-de-sacs; maintain the look of conventional neighborhoods in scale, orientation to the

street, style, and appearance; and to avoid creation of large apartment “blocks” separate from other parts of the community. Larger-scale buildings are appropriate in the central business district or when combined with commercial uses in the Mixed Commercial zone. (Ord. 1484-04 § 6 (part), 2004)

Section 2. This ordinance shall be in force and take effect five (5) days after its publication according to law.

Section 3. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

PASSED by majority vote of the members of the Sedro-Woolley City Council this 13th day of December 2023, and signed in authentication of its passage this 15th day of December 2023.

By: DocuSigned by:

3C84008CC8484BD
JULIA JOHNSON, Mayor

Attest: DocuSigned by:

2C53B290694B4A9
KELLY KOHNKEN, Finance Director

Approved as to form:

DocuSigned by:

8E783717B449479
NIKKI THOMPSON, City Attorney

Published:

Chapter 17.12

RESIDENTIAL 7 (R-7) ZONE

Sections:

17.12.005 Intent.

17.12.010 Use restrictions.

17.12.020 Bulk restrictions.

17.12.030 Minimum lot size requirements.

17.12.040 Maximum density requirements.

17.12.050 Maximum lot coverage.

17.12.005 Intent.

The R-7 zone includes the portion of Sedro-Woolley platted over a hundred years ago. It is characterized by a grid street system and small lots. It is the intent of this zone to encourage the continuation of this traditional pattern. (Ord. [1484-04](#) § 5 (part), 2004)

17.12.010 Use restrictions.

Use restrictions in the residential R-7 zone shall be as follows:

A. Permitted Uses.

1. One single-family residence per lot;
2. Low-intensity agriculture;
3. Home occupations in compliance with Chapter [17.68](#);
4. One duplex per lot with nine thousand square foot minimum lot size, in compliance with the requirements set forth in this chapter, which meet the following requirements, in addition to any other requirements imposed by ordinance:
 - a. Be situated on a lot of not less than nine thousand square foot minimum size, with a minimum width of eighty feet at the building line, a minimum depth of one hundred feet, and a minimum lot frontage on a public street of twenty feet;

- b. Provide off-street parking for four vehicles;
- c. Be designed to resemble a single-family residence so as to blend in with the design and appearance of the surrounding residences in the neighborhood;
- d. No more than one duplex shall be allowed per any three successive lots adjoined by side property lines as defined in Section [17.04.030](#).

Exception: Lots which have twenty feet or less frontage on the public street shall not be required to be counted on a successive lot. This exception is intended to allow successive duplexes if located behind single-family lots.

- 5. Child day care centers meeting state requirements;
- 6. Adult or family day care facilities meeting state requirements;
- 7. Accessory dwelling units in compliance with Chapter [17.100](#).

B. Conditional Uses.

- 1. Planned residential developments;
- 2. Group homes;
- 3. Dependent relative cottages;
- 4. Mobile and manufactured home parks in compliance with Chapter [17.48](#);
- 5. Personal services;
- 6. Professional offices with no outside storage;
- 7. Outdoor recreation facilities;
- 8. Public utilities, excluding wireless communication facilities;
- 9. Quasi-public uses;
- 10. Public uses.

C. Prohibited Uses. All uses not listed above, including adult entertainment and wireless communication facilities. (Ord. 1954-20 § 1 (Exh. A)(part), 2020; Ord. [1695-11](#) § 1, 2011; Ord. [1484-04](#) § 5 (part), 2004; Ord. [1312-98](#) § 1 (part), 1998; Ord. [1222-95](#) § 2, 1995; Ord. [1013](#) § 2.02.01, 1985)

17.12.020 Bulk restrictions.

Bulk restrictions in the residential R-7 zone shall be as follows:

A. Minimum Setbacks.

1. Front: twenty feet;
2. Side: one story dwellings and accessory structures shall have a minimum of five feet; a two story dwelling shall have minimum of eight and each additional story over two shall have an additional four feet, for each story;
3. Rear: ten feet for residences, five for accessory structures;
4. Garage Setbacks. 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-five 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.

B. Maximum building height: thirty-five feet except twenty feet for accessory buildings, and no height limit for church steeples or bell towers. (Ord. [1484-04](#) § 5 (part), 2004; Ord. [1312-98](#) § 1 (part), 1998; Ord. [1013](#) § 2.02.02, 1985)

17.12.030 Minimum lot size requirements.

Minimum lot size requirements for the residential R-7 zone shall be as follows:

- A. Lot area: six thousand square feet;
- B. Lot width at building line: forty feet;
- C. Lot frontage on a public street, approved private street, or approved easement: twenty feet. (Ord. [1484-04](#) § 5 (part), 2004; Ord. [1312-98](#) § 1 (part), 1998; Ord. [1013](#) § 2.02.03, 1985)

17.12.040 Maximum density requirements.

The maximum gross density requirement in the R-7 zone is seven units per acre. (Ord. [1484-04](#) § 5 (part), 2004; Ord. [1312-98](#) § 1 (part), 1998; Ord. [1222-95](#) § 3, 1995)

17.12.050 Maximum lot coverage.

Lot coverage is the percent of the lot covered by structures including the main and all accessory buildings. Maximum lot coverage requirements in the residential R-7 zone shall be as follows:

A. Fifty percent;

B. Variances from the maximum lot coverage requirement are permitted, if the applicant can demonstrate that the proposed coverage does not exceed the average lot coverage of lots within one hundred feet of the parcel. Lot coverage can be equal to the average lot coverage but cannot exceed it. (Ord. [1484-04](#) § 5 (part), 2004: Ord. [1312-98](#) § 1 (part), 1998: Ord. 1264-06 § 1, 1996: Ord. [1222-95](#) § 4, 1995)

The Sedro-Woolley Municipal Code is current through Ordinance 2063-23, and legislation passed through December 15, 2023.

Disclaimer: The city clerk's office has the official version of the Sedro-Woolley Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

City Website: <https://www.sedro-woolley.gov/>

City Telephone: (360) 855-1661

[Code Publishing Company](#)

Chapter 17.16

RESIDENTIAL 15 (R-15) ZONE

Sections:

17.16.005 Intent.

17.16.010 Use restrictions.

17.16.020 Bulk restrictions.

17.16.030 Minimum lot size requirements.

17.16.035 Zero side setbacks permitted.

17.16.040 Maximum density requirements.

17.16.050 Parking for residential uses in R-15 zone.

17.16.060 Design review.

17.16.005 Intent.

The intent of the R-15 zone is to achieve integration with Sedro-Woolley's existing building types and configurations; incorporate open street layout similar to existing grid rather than closed circulation systems such as cul-de-sacs; maintain the look of conventional neighborhoods in scale, orientation to the street, style, and appearance; and to avoid creation of large apartment "blocks" separate from other parts of the community. Larger-scale buildings are appropriate in the central business district or when combined with commercial uses in the mixed commercial zone. (Ord. [2058-23](#) § 1, 2023; Ord. [1484-04](#) § 6 (part), 2004)

17.16.010 Use restrictions.

Use restrictions in the R-15 zone shall be as follows:

A. Permitted Uses.

1. Multifamily residential uses up to eight units per building or up to twelve units per building if the building is three stories and the units are evenly distributed between the three floors;
2. One single-family residence per lot;

3. Low-intensity agriculture;
4. Home occupations in compliance with Chapter [17.68](#);
5. Group homes;
6. Dependent relative cottages;
7. Professional offices;
8. Child day care centers meeting state requirements;
9. Planned residential developments;
10. Adult or family day care facilities meeting state requirements.

B. Conditional Uses.

1. Mobile and manufactured home parks in compliance with Chapter [17.48](#);
2. Offices other than professionals;
3. Outdoor recreation facilities;
4. Public utilities, excluding wireless communication facilities;
5. Quasi-public uses;
6. Public uses;
7. Commerce;
8. Personal services.

C. Prohibited Uses. All uses not listed above, including adult entertainment and wireless communication facilities. (Ord. [1920-19](#) § 1, 2019; Ord. [1484-04](#) § 6 (part), 2004; Ord. [1312-98](#) § 1 (part), 1998; Ord. [1013](#) § 2.03.01, 1985)

17.16.020 Bulk restrictions.

Bulk restrictions in the R-15 zones shall be as follows:

A. Minimum Setbacks.

1. Front: ten feet;
2. Side: one story dwellings and accessory structures shall have a minimum of five feet; a two story dwelling shall have minimum of eight; and each additional story over two shall have an additional four feet, for each story;
3. Rear: ten feet for residences; and five for accessory structures.

B. Maximum building height: thirty-five feet, except twenty feet for accessory buildings and no height limit for church steeples or bell towers. (Ord. [1484-04](#) § 6 (part), 2004: Ord. [1312-98](#) § 1 (part), 1998: Ord. [1013](#) § 2.03.02, 1985)

17.16.030 Minimum lot size requirements.

There is no categorical minimum lot size for permitted uses in this zone. However the lot size may be made a condition of approval in design review and conditional uses if relevant in those proceeding. (Ord. [1484-04](#) § 6 (part), 2004: Ord. [1312-98](#) § 1 (part), 1998: Ord. [1013](#) § 2.03.03, 1985)

17.16.035 Zero side setbacks permitted.

It is the intent of this section to allow for the creation of new lots within an existing lot where buildings on the new lots are not required to maintain side setbacks for the purpose of allowing townhouses with condominium-style ownership that would include not only the interior spaces but also a portion of the land outside of the building. All other setbacks including those to the property lines of the parcel being subdivided, the front and rear setbacks, streets, driveways, etc., shall be maintained.

- A. A division of land allowing no minimum side setbacks to interior lot lines shall be permitted; provided, that all other requirements of the zoning district shall remain applicable. Interior lot lines are those that are created as part of the proposed land division.
- B. The standard setback requirements defined in Section [17.16.020](#) shall apply to the property lines of the parcel being subdivided.
- C. No more than eight dwelling units per building may be attached utilizing the provisions of this section.
- D. No more than one dwelling unit shall be allowed on any lot with reduced side setbacks created through the provisions of this section.

E. All proposed developments permitted using this section shall comply with the design review standards of Chapter [15.44](#).

F. All developments utilizing the provisions of this section must establish a homeowner's association per Section [16.04.080](#)(C). (Ord. [2032-22](#) § 12, 2023; Ord. [1601-08](#) § 1, 2008)

17.16.040 Maximum density requirements.

Minimum net density in the R-15 zones is four units per acre. Maximum gross density is fifteen units per acre. (Ord. [1484-04](#) § 6 (part), 2004; Ord. [1312-98](#) § 1 (part), 1998)

17.16.050 Parking for residential uses in R-15 zone.

The parking requirements for residential uses in the R-15 zone shall be as follows:

Studio	1 space
1 bedroom	2 spaces
2 bedrooms	2 spaces
3 bedrooms	3 spaces
4 or more bedrooms	4 spaces
Visitor/overflow spaces	1 additional space per 8 units

In all cases, there shall be a minimum off-street parking apron of twenty-five 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.

Parking spaces counted for residential use shall not also be counted towards nonresidential parking requirements of Chapter [17.36](#) for other uses in this zone. (Ord. [1906-18](#) § 1, 2018; Ord. [1484-04](#) § 6 (part), 2004)

17.16.060 Design review.

All developments in this zone which are subject to environmental review shall comply with the Design Review standards of SWMC Chapter [15.44](#) for conformance with this and other provisions of the city code. (Ord. [1484-04](#) § 6 (part), 2004)

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NOTICE OF PUBLIC HEARINGS
CITY OF SEDRO-WOOLLEY
Amendments to Comprehensive Plan and Zoning Map
and
Amendments to Development Regulations
City of Sedro-Woolley Council Chamber
And Virtually via Zoom Webinar

The City of Sedro-Woolley Planning Commission will hold public hearings on **February 20, 2024 at 6:30 PM**, in the Sedro-Woolley Council Chambers and via Zoom Webinar, to hear testimony regarding the following proposed amendments to the City Comprehensive Plan and the City Development Regulations:

Possible amendments to the Comprehensive Land Use map and the Zoning map:

1. Rezone request #2023-004 – Bendtsen – request to change the zoning designation of roughly 0.85 acres of land from Residential 7 to Residential 15

Possible amendments to the City Development Regulations:

1. Proposed amendments to Chapter 16.04 SWMC to add a definition for “Shadow Plat” and to allow shadow platting as a method of satisfying the minimum density requirement of 4 dwelling units per acre

Interested parties can comment on the proposed changes in writing or at the hearing.

Written comments must be received by 4:30 PM on February 20, 2024 to be considered at the public hearing. Send written comments to: City of Sedro-Woolley Planning Department, ATTN: Assistant Planner, 325 Metcalf Street, Sedro-Woolley, Washington, 98284, or by email to nmcgowan@sedro-woolley.gov.

Please go to the Planning Commission Meetings page on the Sedro-Woolley website (<https://sedrowoolleywa.portal.civicclerk.com>) to find the meeting materials and a link to join the webinar.

Published in the Skagit Valley Herald: February 10, 2024

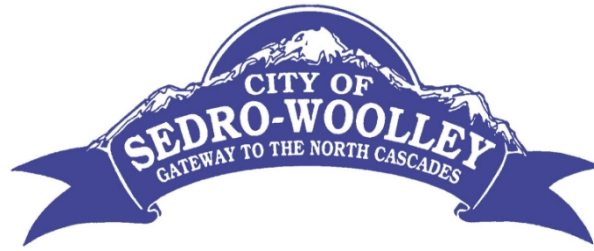
2/9/24 Meeting on 2/20/24

Attn: Nicole Megowan
Assistant Planner
SIR Planning Department
RE: #2023-004 - Bendtsen
"Shadow Plat"
Property located on Ball Street

One of my neighbors told me that property was considered "Wet Lands" and there use to be a house there on that property that when it rained it would flood and the water would stay in the yard for a while. He also see deer live back there, too.

There is also alot of traffic on Ball Street right now, too.

Genie Metcalf
810 Chester Street
Sedro-Woolley, WA



Planning Commission Agenda Item

Agenda Item No.: i.1.

Date: February 20, 2024

From: Nicole McGowan, Assistant Planner

Subject: Proposed Amendments to Chapters 2.90, 17.08, 17.12 and 17.16 SWMC and the Addition of Chapter 17.120 SWMC to Add Regulations for Tiny Home Communities.

RECOMMENDED ACTION:

Review and discuss the proposed amendments and propose any recommended changes.

ISSUE:

Should the Planning Commission recommend that the City Council adopt the proposed amendments to Chapters 2.90, 17.08, 17.12 and 17.16 SWMC and the Addition of Chapter 17.120 SWMC to Add Regulations for Tiny Home Communities?

BACKGROUND/SUMMARY INFORMATION:

Currently, the City of Sedro-Woolley has no regulations in place for tiny homes. Tiny homes assume the same regulations applicable to any other single-family home. There have been several inquiries at the planning counter about what the city's regulations are for tiny homes and, often more specifically, tiny home communities (THCs). Such regulations do not exist. Planning staff sees THCs as an opportunity to create a pleasant affordable housing option for residents of Sedro-Woolley that would be well-integrated with the existing built environment of its residential zones (with the exception of the R-1, environmentally constrained zone). Applications for this form of housing development would be reviewed on a case-by-case basis through the conditional use permitting process. The intention is to encourage infill within the city's current urban growth area through the creation of healthy, sustainable communities that maintain the historic look and feeling of Sedro-Woolley neighborhoods in a unique, charming and affordable way. Planning staff have created a draft of regulations for THCs for the Planning Commission to review and discuss. The draft amendments are found herein as **Attachment 1**.

Tiny home communities would essentially follow the same permitting process as Planned Residential Developments (PRDs). However, the regulations proposed by planning staff are specific to the smaller scale concept. Planning staff would like to discuss the proposed amendments with the Planning Commission to ensure the regulations will work for the vision we are trying to achieve. Some assessments still need to be made, including impact fees applicable to THCs and what design standards and guidelines should apply.

FISCAL IMPACT, IF APPROPRIATE:

None.

ATTACHMENTS:

1. Draft Amendments 1 - THC's

Chapter 2.90

CONSOLIDATED PLANNING PROCEDURES*

[...]

2.90.040 Exemptions from state process requirements.

A. State Authority. RCW [36.70B.140](#) allows a local government to exclude certain project permits from procedure and time limit requirements. This section deals with exemptions from state-mandated notice requirements. Permit types listed below may and often do have city code requirements for review, notification, and appeal beyond state requirements.

B. Exemptions from City Goal of One-Hundred-Twenty-Day Review Process for Certain Actions Requiring More Time. RCW [36.70B.140](#) provides that local governments may determine that there are special circumstances relative to certain actions or processes that warrant a different review process than that set forth in state law. Therefore, the city exempts the following actions since they typically require more than one hundred twenty days to process or would be deemed emergencies:

1. Comprehensive plan amendments with or without any other associated land use application such as a rezone;
2. Sedro-Woolley Municipal Code amendments;
3. Annexations;
4. Planned residential developments;
5. Development agreements;
6. Environmental impact statements;
7. Temporary emergency wetland permit;

8. Declared emergency under SEPA;
9. Street vacations;
10. Any project once it is appealed to the hearing examiner and/or city council;
11. Any project once it becomes the subject of a petition under the Land Use Petition Act;
12. Any project that is determined by the mayor to present extenuating circumstances which would require more than one hundred twenty days to process.

13. Tiny Home Communities

[...]

2.90.060 Authority and responsibilities.

A. Review Authority. Section [2.90.070](#)(G), Land Use Permit Procedures, lists the development applications and outlines the responsible review authority associated with making recommendations, conducting open record public hearings, open record appeals, the responsible official for the permit decision, and appeal bodies.

B. Specific Responsibilities. The regulation of land development is a cooperative activity including many different elected and appointed boards and city staff. The specific responsibilities of these bodies are listed as set forth in subsections C through G of this section and Title [2](#).

[...]

F. Hearing Examiner.

1. Authority. The hearing examiner shall review and act on the following:

- a. Appeals of administrative decisions/determinations and SEPA threshold decisions;
- b. Conditional approval permit for nonconforming uses;
- c. Conditional use permits;
- d. EIS hearing;
- e. Major amendment to PRD;
- f. Master plan with and without PRD;
- g. Mobile/manufactured home park or subdivision;
- h. Preliminary plats;
- i. Planned residential developments;
- j. Shoreline conditional use permit;
- k. Shoreline variance;
- l. Variances from the provisions of the subdivision regulations relating to a full subdivision and other variances provided for in the code.

m. Tiny Home Communities

2. Recommendations. (Reserved.)

3. Appeals. Unless otherwise specified, any decision of the responsible SEPA official or the planning director or designee or the city engineer or designee in the administration of this title shall be appealable to the hearing examiner as an administrative determination pursuant to Section [2.90.090](#), Appeals.

[...]

2.90.070 Permit classification.

A. Purpose. The purpose of this section is to outline the procedure and time requirements for the various development applications reviewed by the city. All development applications are classified and processed according to one of six types of permit procedures, as identified in subsection G of this section.

[...]

G. Land Use Permit Procedures.

1. Permit Classification Table.

Table 2.90.070(G)(1)—Permit Classification Table

Land Use Permit/Action	Permit Type					
	I	II	III	IV	V	VI
Accessory Dwelling Unit	X					
Administrative Determination	X					
Binding Site Plan		X				
Boundary Line Adjustment	X					
Building Permit SEPA Exempt	X					
Code Interpretation	X					
Comprehensive Plan Map (and Rezone) or Text Amendments						X
Conditional Use Permit			X			
Design Review with Building Permit	X					

Table 2.90.070(G)(1)—Permit Classification Table

Land Use Permit/Action	Permit Type					
	I	II	III	IV	V	VI
Design Review with Hearing Examiner Land Use Permit			X			
Development Agreement					X	
Development Regulation Text Amendments Referred to Planning Commission						X
Development Regulation Text Amendments Not Referred to Planning Commission					X	
Environmental Review		X				
Fence or Wall Permit	X					
Fill and Grade Permit	X					
Floodplain District Development Permit or Variance				X		
Home Occupation	X					
Landscape Modifications	X					
Major Modification PRD				X		
Master Plan Approval				X		
Minor Modifications	X					
Nonconforming Use—Ordinary Maintenance or Repair	X					
Nonconforming Use—Certificate of Use or Occupancy	X					
Nonconforming Use—Special Permission to Enlarge, Expand, or Reconstruct			X			
Planned Action Determination		X				
Planned Action Ordinance						X

Table 2.90.070(G)(1)—Permit Classification Table

Land Use Permit/Action	Permit Type					
	I	II	III	IV	V	VI
Planned Residential Development				X		
Plat, Preliminary				X		
Plat, Final					X	
Rezoning Consistent with Comprehensive Plan				X		
Shoreline Conditional Use Permit			X			
Shoreline Exemption	X					
Shoreline Substantial Development Permit		X				
Shoreline Variance			X			
Short Plat		X				
Short Plat—When Hearing Requested			X			
Site Plan Approval	X					
Special Use Permit			X			
Street Design Modifications	X					
Street Vacations				X		
Temporary Homeless Encampments		X				
Temporary Use Permit		X				
<u>Tiny Home Communities</u>				X		
Variances			X			
Zoning Waivers	X					

[...]

2.90.100 Submittal requirements—Specific to application type.

The following tables list the submittal requirements for each type of permit application or land use approval which must accompany the required application fees as specified in the city's fee schedule.

- A. Table 2.90.100(A)—Building and Public Works Submittal Requirements.
- B. Table 2.90.100(B)—Land Use Permit Submittal Requirements.

[...]

Table 2.90.100(B)—Land Use Application Submittal Requirements

SUBMITTAL REQUIREMENTS	TYPE OF APPLICATION	Accessory Dwelling Unit	Annexation (10% Notice of Intent)	Annexation (60% Petition)	Appeal	Binding Site Plan	Boundary Line Adjustment	Comp Plan Map Amendment/Rezoning	Comp Plan Text Amendment	Conditional Use Permit (Hearing Examiner)	Environmental Review	Environmental Review (Non-Project)	Fill and Grade Permit over 500 Cubic Yards	Home Occupation—Type II	Master Site Plan (Overall)	Master Site Plan (Individual Phases)	Mobile Home Park Preliminary	Mobile Home Park, Final	Modification/Alteration Request	Planned Action	Plat, Final	Plat, Preliminary	PRD, Preliminary	PRD, Final	Rezoning	Shoreline Exemption	Shoreline Substantial Development Permit	Shoreline Conditional Use Permit	Shoreline Variance	Short Plat	Special Use Permit	Temporary Homeless Encampment Permit	Temporary Use Permit	THC Final	THC Preliminary	Variance	Waiver	Wetland Permit				
10% notice of intent to annex			13																																							
60% petition to annex				13																																						
Affidavit of installation of public information sign			1	1				1		1				1	1	1	1	1				2	1	2	1					2	1		2			2		1				
Affidavit of mailout					1			1	1	2	2	2		1	2	2	1	1				1	1		1						1	1				1		2				
Application fee		x		x	x	x	x	x	x	x	x	x	x	x			x	x			x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x				

Table 2.90.100(B)—Land Use Application Submittal Requirements

SUBMITTAL REQUIREMENTS	TYPE OF APPLICATION	Accessory Dwelling Unit	Annexation (10% Notice of Intent)	Annexation (60% Petition)	Appeal	Binding Site Plan	Boundary Line Adjustment	Comp Plan Map Amendment/Rezoning	Comp Plan Text Amendment	Conditional Use Permit (Hearing Examiner)	Environmental Review	Environmental Review (Non-Project)	Fill and Grade Permit over 500 Cubic Yards	Home Occupation—Type II	Master Site Plan (Overall)	Master Site Plan (Individual Phases)	Mobile Home Park, Preliminary	Mobile Home Park, Final	Modification/Alteration Request	Planned Action	Plat, Final	Plat, Preliminary	PRD, Preliminary	PRD, Final	Rezoning	Shoreline Exemption	Shoreline Substantial Development Permit	Shoreline Conditional Use Permit	Shoreline Variance	Shoreline Plat	Special Use Permit	Temporary Homeless Encampment Permit	Temporary Use Permit	THC Final	THC Preliminary	Variance	Waiver	Wetland Permit			
Assessment information			1	1																																					
Authorization for abatement																																	5								
Binding site plan map						5																																			
Business license application for home occupation													1																												
Calculations , survey						3	3													3	2	2	3							3					2	2					
Colored display maps						1				1			1	1	1	1	1			1	1	1	1		1	1	1	1	1	1	1	1		1	1	1	1				

Table 2.90.100(B)—Land Use Application Submittal Requirements

SUBMITTAL REQUIREMENTS	TYPE OF ACCESSORY DWELLING UNIT	Accessory Dwelling Unit	Annexation (10% Notice of Intent)	Annexation (60% Petition)	Appeal	Binding Site Plan	Boundary Line Adjustment	Comp Plan Map Amendment/Rezoning	Comp Plan Text Amendment	Conditional Use Permit (Hearing Examiner)	Environmental Review	Environmental Review (Non-Project)	Fill and Grade Permit over 500 Cubic Yards	Home Occupation—Type II	Master Site Plan (Overall)	Master Site Plan (Individual Phases)	Mobile Home Park, Preliminary	Mobile Home Park, Final	Modification/Alteration Request	Planned Action	Plat, Final	Plat, Preliminary	PRD, Preliminary	PRD, Final	Rezoning	Shoreline Exemption	Shoreline Substantial Development Permit	Shoreline Conditional Use Permit	Shoreline Variance	Short Plat	Special Use Permit	Temporary Homeless Encampment Permit	Temporary Use Permit	THC Final	THC Preliminary	Variance	Waiver	Wetland Permit		
Construction mitigation description						5				5	5		5		5	5	5				5	5	5				5	5	5	5		5							5	
Covenant certifying owner resides at property (ADUs)	2																																							
Critical areas checklist			5	5		5		5		5	5	5	5		5	5	5					5	5		5	5		5	5	5		5							5	
Critical areas site assessment —5 copies																				5																			5	
Density worksheet							5															5	5							5										
Draft deed for any						4									4	4		4	4			4								4										

Table 2.90.100(B)—Land Use Application Submittal Requirements

SUBMITTAL REQUIREMENTS	TYPE OF ACCESSORY DWELLING UNIT	Annexation (10% Notice of Intent)	Annexation (60% Petition)	Appeal	Binding Site Plan	Boundary Line Adjustment	Comp Plan Map Amendment/Rezoning	Comp Plan Text Amendment	Conditional Use Permit (Hearing Examiner)	Environmental Review (Non-Project)	Fill and Grade Permit over 500 Cubic Yards	Home Occupation—Type II	Master Site Plan (Overall)	Master Site Plan (Individual Phases)	Mobile Home Park, Preliminary	Mobile Home Park, Final	Modification/Alteration Request	Planned Action	Plat, Final	Plat, Preliminary	PRD, Preliminary	PRD, Final	Rezoning	Shoreline Exemption	Shoreline Substantial Development Permit	Shoreline Conditional Use Permit	Shoreline Variance	Short Plat	Special Use Permit	Temporary Homeless Encampment Permit	Temporary Use Permit	THC	THC	Variance	Waiver	Wetland Permit			
																																Final	Preliminary						
proposed dedication of land for public purposes																																							
Draft homeowner s' association documents if applicable					4			4					4	4		4			4			4						4						<u>1</u>					
Draft restrictive covenants, if any					4			4	4		4		4	4		4		5	4			4	4					4						<u>1</u>					
Drainage control plan					5			5	5		5			5	5			5		5	5				5	5		5						<u>2</u>					5
Drainage report					4			4	4		4			4	4			5		4	4							4						<u>1</u>					4

Table 2.90.100(B)—Land Use Application Submittal Requirements

SUBMITTAL REQUIREMENTS	TYPE OF ACCESSORY DWELLING UNIT	Annexation (10% Notice of Intent)	Annexation (60% Petition)	Appeal	Binding Site Plan	Boundary Line Adjustment	Comp Plan Map Amendment/Rezoning	Comp Plan Text Amendment	Conditional Use Permit (Hearing Examiner)	Environmental Review	Environmental Review (Non-Project)	Fill and Grade Permit over 500 Cubic Yards	Home Occupation—Type II	Master Site Plan (Overall)	Master Site Plan (Individual Phases)	Mobile Home Park, Preliminary	Mobile Home Park, Final	Modification/Alteration Request	Planned Action	Plat, Final	Plat, Preliminary	PRD, Preliminary	PRD, Final	Rezoning	Shoreline Exemption	Shoreline Substantial Development Permit	Shoreline Conditional Use Permit	Shoreline Variance	Short Plat	Special Use Permit	Temporary Homeless Encampment Permit	Temporary Use Permit	THC Final	THC Preliminary	Variance	Waiver	Wetland Permit		
Elevations, architectural									10	10					10				5			10	10			10	10	10				5			10				
Elevations, grading					4				4	4		4			4	4	4		5		4	4				4	4		4						2				4
Encampment management responsibility plan																														2									
Environmental checklist			10		10		10	10	10	10	10	10		10	10	10			5		10	10		10		10	10	10	10		10				1				12
Existing covenants (recorded copy)					5	3	5		5	5		5		5	5	5			5		5	5		5		5	5	5	5							1	5		5
Existing easements					5	3	5		5	5		5		5	5	5			5		5	5		5		5	5	5	5							1	5		5

Table 2.90.100(B)—Land Use Application Submittal Requirements

SUBMITTAL REQUIREMENTS	TYPE OF APPLICATION	Accessory Dwelling Unit	Annexation (10% Notice of Intent)	Annexation (60% Petition)	Appeal	Binding Site Plan	Boundary Line Adjustment	Comp Plan Map Amendment/Rezoning	Comp Plan Text Amendment	Conditional Use Permit (Hearing Examiner)	Environmental Review	Environmental Review (Non-Project)	Fill and Grade Permit over 500 Cubic Yards	Home Occupation—Type II	Master Site Plan (Overall)	Master Site Plan (Individual Phases)	Mobile Home Park, Preliminary	Mobile Home Park, Final	Modification/Alteration Request	Planned Action	Plat, Final	Plat, Preliminary	PRD, Preliminary	PRD, Final	Rezoning	Shoreline Exemption	Shoreline Substantial Development Permit	Shoreline Conditional Use Permit	Shoreline Variance	Short Plat	Special Use Permit	Temporary Homeless Encampment Permit	Temporary Use Permit	THC Final	THC Preliminary	Variance	Waiver	Wetland Permit			
(recording copy)																																									
Final plat plan																				5														2							
Floodplain map, if applicable										10	10				10	10				10	10	10	10				10	10	10	10		10	10	2	2	10			10		
Floor plans	4								5	5						5			5	5		5	5				5	5	5			5	5			5			5		
Geotechnical report						5			5	5						5			5	5		5	5				5	5	5				5	1		5			5		
Grading plan, conceptual						10				10	10				10	10	10			5		10	10				10	10	10	10		10			2						
Grading plan, detailed													10							5																				12	
Joint aquatics resources																									10	1	10	10													

Table 2.90.100(B)—Land Use Application Submittal Requirements

SUBMITTAL REQUIREMENTS	TYPE OF APPLICATION	Accessory Dwelling Unit	Annexation (10% Notice of Intent)	Annexation (60% Petition)	Appeal	Binding Site Plan	Boundary Line Adjustment	Comp Plan Map Amendment/Rezoning	Comp Plan Text Amendment	Conditional Use Permit (Hearing Examiner)	Environmental Review	Environmental Review (Non-Project)	Fill and Grade Permit over 500 Cubic Yards	Home Occupation—Type II	Master Site Plan (Overall)	Master Site Plan (Individual Phases)	Mobile Home Park, Preliminary	Mobile Home Park, Final	Modification/Alteration Request	Planned Action	Plat, Final	Plat, Preliminary	PRD, Preliminary	PRD, Final	Rezoning	Shoreline Exemption	Shoreline Substantial Development Permit	Shoreline Conditional Use Permit	Shoreline Variance	Short Plat	Special Use Permit	Temporary Homeless Encampment Permit	Temporary Use Permit	THC Final	THC Preliminary	Variance	Waiver	Wetland Permit			
permit application																																									
Justification for the comprehensive plan amendments and, if applicable, rezoning								10	10																																
Justification for the conditional approval permit (nonconforming structure)																																									
Justification for the conditional			5							10																															

Table 2.90.100(B)—Land Use Application Submittal Requirements

SUBMITTAL REQUIREMENTS	TYPE OF APPLICATION	Accessory Dwelling Unit	Annexation (10% Notice of Intent)	Annexation (60% Petition)	Appeal	Binding Site Plan	Boundary Line Adjustment	Comp Plan Map Amendment/Rezone	Comp Plan Text Amendment	Conditional Use Permit (Hearing Examiner)	Environmental Review	Environmental Review (Non-Project)	Fill and Grade Permit over 500 Cubic Yards	Home Occupation—Type II	Master Site Plan (Overall)	Master Site Plan (Individual Phases)	Mobile Home Park, Preliminary	Mobile Home Park, Final	Modification/Alteration Request	Planned Action	Plat, Final	Plat, Preliminary	PRD, Preliminary	PRD, Final	Rezoning	Shoreline Exemption	Shoreline Substantial Development Permit	Shoreline Conditional Use Permit	Shoreline Variance	Shoreline Plat	Special Use Permit	Temporary Homeless Encampment Permit	Temporary Use Permit	THC Final	THC Preliminary	Variance	Waiver	Wetland Permit			
use permit request																																									
Justification for rezone																								10																	
Justification for variance request																																							10		
Skagit County assessor's map, indicating site								3																																	
Landscaping plan, conceptual										5	5					12	5					5	5				5	5			5									2	
Legal description			4	4		4	1	4	4	4	4		4		4	4	4	4		4	4	4	4	4	4	4	4	4	4	4	4		4		2	2	4			4	

Table 2.90.100(B)—Land Use Application Submittal Requirements

SUBMITTAL REQUIREMENTS	TYPE OF APPLICATION	Accessory Dwelling Unit	Annexation (10% Notice of Intent)	Annexation (60% Petition)	Appeal	Binding Site Plan	Boundary Line Adjustment	Comp Plan Map Amendment/Rezoning	Comp Plan Text Amendment	Conditional Use Permit (Hearing Examiner)	Environmental Review	Environmental Review (Non-Project)	Fill and Grade Permit over 500 Cubic Yards	Home Occupation—Type II	Master Site Plan (Overall)	Master Site Plan (Individual Phases)	Mobile Home Park, Preliminary	Mobile Home Park, Final	Modification/Alteration Request	Planned Action	Plat, Final	Plat, Preliminary	PRD, Preliminary	PRD, Final	Rezoning	Shoreline Exemption	Shoreline Substantial Development Permit	Shoreline Conditional Use Permit	Shoreline Variance	Short Plat	Special Use Permit	Temporary Homeless Encampment Permit	Temporary Use Permit	THC Final	THC Preliminary	Variance	Waiver	Wetland Permit			
Legal description —Proposed						1																																			
Letter describing proposed home occupation													1																												
Letter to examiner/council stating reason(s) for appeal					1																																				
Letter explaining which comprehensive plan text/policies should be									1																																

Table 2.90.100(B)—Land Use Application Submittal Requirements

SUBMITTAL REQUIREMENTS	TYPE OF APPLICATION	Accessory Dwelling Unit	Annexation (10% Notice of Intent)	Annexation (60% Petition)	Appeal	Binding Site Plan	Boundary Line Adjustment	Comp Plan Map Amendment/Rezoning	Comp Plan Text Amendment	Conditional Use Permit (Hearing Examiner)	Environmental Review	Environmental Review (Non-Project)	Fill and Grade Permit over 500 Cubic Yards	Home Occupation—Type II	Master Site Plan (Overall)	Master Site Plan (Individual Phases)	Mobile Home Park, Preliminary	Mobile Home Park, Final	Modification/Alteration Request	Planned Action	Plat, Final	Plat, Preliminary	PRD, Preliminary	PRD, Final	Rezoning	Shoreline Exemption	Shoreline Substantial Development Permit	Shoreline Conditional Use Permit	Shoreline Variance	Short Plat	Special Use Permit	Temporary Homeless Encampment Permit	Temporary Use Permit	THC Final	THC Preliminary	Variance	Waiver	Wetland Permit		
changed, and why																																								
List of affected property owners within the annexation area boundary			2	2																																				
List of surrounding property owners			2	2				2		2	2		2	2	2	2	2					2	2		2		2	2	2	2	1	2	2	2		1	2	2		2
Lot line adjustment map							5																																	
Mailing envelopes for property owners			2	2				2		2	2		2	2	2	2	2					3	2		2		2	2	2	2	3	2	2	2		3	2			2

Table 2.90.100(B)—Land Use Application Submittal Requirements

SUBMITTAL REQUIREMENTS	TYPE OF APPLICATION	Accessory Dwelling Unit	Annexation (10% Notice of Intent)	Annexation (60% Petition)	Appeal	Binding Site Plan	Boundary Line Adjustment	Comp Plan Map Amendment/Rezoning	Comp Plan Text Amendment	Conditional Use Permit (Hearing Examiner)	Environmental Review	Environmental Review (Non-Project)	Fill and Grade Permit over 500 Cubic Yards	Home Occupation—Type II	Master Site Plan (Overall)	Master Site Plan (Individual Phases)	Mobile Home Park, Preliminary	Mobile Home Park, Final	Modification/Alteration Request	Planned Action	Plat, Final	Plat, Preliminary	PRD, Preliminary	PRD, Final	Rezoning	Shoreline Exemption	Shoreline Substantial Development Permit	Shoreline Conditional Use Permit	Shoreline Variance	Short Plat	Special Use Permit	Temporary Homeless Encampment Permit	Temporary Use Permit	THC Final	THC Preliminary	Variance	Waiver	Wetland Permit			
(assessor's office list required)																																									
Map of existing site conditions								12																									1								
Master application form		1		10		5	1	10	10	10	10	10	10		10	10	10	10			5	10	10	5	10	4	10	10	10	10	10	10	10	5				10			
Mobile home park plan																	10	10																							
Monument cards (one per monument)						1														1				1						1					<u>1</u>						
Mylars (signed)						2									2	2		2		2				2						2					<u>2</u>						

Table 2.90.100(B)—Land Use Application Submittal Requirements

SUBMITTAL REQUIREMENTS	TYPE OF APPLICATION	Accessory Dwelling Unit	Annexation (10% Notice of Intent)	Annexation (60% Petition)	Appeal	Binding Site Plan	Boundary Line Adjustment	Comp Plan Map Amendment/Rezoning	Comp Plan Text Amendment	Conditional Use Permit (Hearing Examiner)	Environmental Review	Environmental Review (Non-Project)	Fill and Grade Permit over 500 Cubic Yards	Home Occupation—Type II	Master Site Plan (Overall)	Master Site Plan (Individual Phases)	Mobile Home Park, Preliminary	Mobile Home Park, Final	Modification/Alteration Request	Planned Action	Plat, Final	Plat, Preliminary	PRD, Preliminary	PRD, Final	Rezoning	Shoreline Exemption	Shoreline Substantial Development Permit	Shoreline Conditional Use Permit	Shoreline Variance	Short Plat	Special Use Permit	Temporary Homeless Encampment Permit	Temporary Use Permit	THC Final	THC Preliminary	Variance	Waiver	Wetland Permit		
Neighborhood detail map			10	10		10	5	10		10	10		10	1	10	10	10	10			5	10	12	5	10	4	10	10	10	10	10	10	5	2	2	10				
Parking, lot coverage and landscaping analysis						5	5			5	5		5				5							5		5	5	5		5							5			
Planned action application																			1																					
Plat certificate																						3								3										
Postage for each set of mailing			2	2				2		2	2			2	2	2	2					2	2		2		2	2	2	2	1	2	2	2		3	2			2
Preapplication meeting summary, if any						5		5	5	5	5		5	1	5	5	5		5	5		5	5		5		5	5	5	5	5	5		1	5	5	5	7		

Table 2.90.100(B)—Land Use Application Submittal Requirements

[illegible]

Table 2.90.100(B)—Land Use Application Submittal Requirements

SUBMITTAL REQUIREMENTS	TYPE OF APPLICATION	Accessory Dwelling Unit	Annexation (10% Notice of Intent)	Annexation (60% Petition)	Appeal	Binding Site Plan	Boundary Line Adjustment	Comp Plan Map Amendment/Rezoning	Comp Plan Text Amendment	Conditional Use Permit (Hearing Examiner)	Environmental Review	Environmental Review (Non-Project)	Fill and Grade Permit over 500 Cubic Yards	Home Occupation—Type II	Master Site Plan (Overall)	Master Plan (Individual Phases)	Mobile Home Park, Preliminary	Mobile Home Park, Final	Modification/Alteration Request	Planned Action	Plat, Final	Plat, Preliminary	PRD, Preliminary	PRD, Final	Rezoning	Shoreline Exemption	Shoreline Substantial Development Permit	Shoreline Conditional Use Permit	Shoreline Variance	Short Plat	Special Use Permit	Temporary Homeless Encampment Permit	Temporary Use Permit	THC Final	THC Preliminary	Variance	Waiver	Wetland Permit				
refuse/recycling																																										
Short plat plan																														10												
Short plat plan, final																														2												
Site plan, land use review		4								10	12				10		10				10											10	10	5				10		10		
Site plan, shoreline permit																									4																	
Title report	1					1	1	1		1	1		1		1	1	1		1			1	1		1	1		1	1	1	1				<u>1</u>	1			1			

[...]

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](#)
- [17.60 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 Tiny Home Communities \(THCs\)](#)

Chapter 17.04

ADMINISTRATIVE PROVISIONS

[...]

17.04.030 Definitions.

[...]

“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.

“Ownership” means a lot or group of contiguous lots under the ownership.

“Park model” means a movable tiny house that is no larger than 400 square feet, designed in a single chassis and mounted on wheels for permanent or semi-permanent installation. It is used as a primary residence, including a kitchen, bathroom, and sleeping/living area, and must be built to American National Standards Institute (ANSI) specifications.

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

“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.

“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.

1. 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.
2. To qualify, a project action shall:
 - a. 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;
 - b. Be located within the city's adopted urban growth areas;
 - c. Be consistent with the comprehensive plan;
 - d. Not be an essential public facility, as defined in RCW [36.70A.200](#).
3. The city council shall designate and approve by ordinance a planned action. The ordinance:
 - a. Shall describe the type(s) of project action being designated as a planned action;
 - b. Shall describe how the planned action meets the criteria in subsection (2) of this definition, including specific references to the EIS;
 - c. 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](#);
 - d. 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.
4. 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.
5. 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:

- a. Verification that it meets the description and implements any applicable conditions or mitigation measures identified in the designating ordinance or resolution;
- b. Verification that the proposed significant adverse environmental impacts of the project have been adequately addressed in the EIS.

“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.

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

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

“Quasi-public use” means a use which serves nonprofit, social or religious ends, such as churches, clubhouses, private schools and nonpublic social service organizations.

“Recreational vehicle” means a motor vehicle designed to also serve as a temporary living quarter.

“Ride-Sharing system” means a service that connects passengers with drivers for the common use of a motor-vehicle in order to share the costs or compensate the driver.

“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.

“Self-Help Program” means a housing initiative in which a government agency, non-profit organization or other local community group utilizes a structured and systematic approach to assist individuals with creating and maintaining their own living spaces.

“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:

1. 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.
2. The following protrusions shall be considered exempt from setback requirements to a maximum of three feet:
 - a. Eaves;
 - b. Bay windows;
 - c. Chimneys and fireplaces;
 - d. Unenclosed, uncovered porches, terraces, landings or steps;
 - e. Other incidental components in conformance with the intent of this definition.

“Setback, front” means the setback from any lot line adjoining a public street right-of-way. Corner lots have two front lot lines.

“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.

“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.

“Shipping container” means any and all land/sea shipping containers or similar structures.

“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.

“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.

“Sign” means a publicly displayed advertising, directional, or information device excluding:

1. Flags and similar primarily nonverbal symbols of governmental, religious or civic organizations;
2. Traffic-control devices, verbal or nonverbal, maintained by the public agency with jurisdiction over the thoroughfare;
3. Minor notices such as conventional no soliciting, open, closed, for rent and for sale signs; and
4. Signs located so as to be viewed only from the ownership on which they are located.

“Single-family residence” means a dwelling unit which is unattached to any other dwelling unit.

“Structure” means a stationary manmade object or part thereof erected on the ground with an intention of some permanence, excluding objects less than three feet in height.

“Tiny house” means a permanent dwelling that is no larger than 400 square feet, including a kitchen, bathroom, and sleeping/living area, and must be built to the Washington State Building Code.

“Trailer” means a device designed to be drawn by a motor vehicle and provide temporary living quarters.

“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.

Chapter 17.08

RESIDENTIAL 5 (R-5) ZONE

[...]

17.08.010 Use restrictions.

Use restrictions in the residential R-5 zone shall be as follows:

A. Permitted Uses.

1. One single-family residence per lot;
2. Low-intensity agriculture;
3. Home occupations in compliance with Chapter [17.68](#);
4. Child day care centers meeting state requirements;
5. Adult or family day care facilities meeting state requirements;
6. Accessory dwelling units in compliance with Chapter [17.100](#).

B. Conditional Uses.

1. Planned residential developments;
2. Tiny home communities in compliance with Chapter 17.120;

- ~~32.~~ Group homes;
- ~~43.~~ Dependent relative cottages;
- ~~54.~~ Mobile and manufactured home parks in compliance with Chapter [17.48](#);
- ~~65.~~ Personal services;
- ~~67.~~ Professional offices with no outside storage;
- ~~87.~~ Outdoor recreation facilities;
- ~~98.~~ Public utilities, excluding wireless communication facilities;
- ~~109.~~ Quasi-public uses;
- ~~1140.~~ Public uses.

C. Prohibited Uses. All uses not listed above, including adult entertainment and wireless communication facilities. (Ord. 1954-20 § 1 (Exh. A)(part), 2020; Ord. [1484-04](#) § 4 (part), 2004; Ord. [1312-98](#) § 1 (part), 1998; Ord. [1013](#) § 2.01.01, 1985)

[...]

Chapter 17.12

RESIDENTIAL 7 (R-7) ZONE

[...]

17.12.010 Use restrictions.

Use restrictions in the residential R-7 zone shall be as follows:

A. Permitted Uses.

1. One single-family residence per lot;
2. Low-intensity agriculture;
3. Home occupations in compliance with Chapter [17.68](#);
4. One duplex per lot with nine thousand square foot minimum lot size, in compliance with the requirements set forth in this chapter, which meet the following requirements, in addition to any other requirements imposed by ordinance:
 - a. Be situated on a lot of not less than nine thousand square foot minimum size, with a minimum width of eighty feet at the building line, a minimum depth of one hundred feet, and a minimum lot frontage on a public street of twenty feet;
 - b. Provide off-street parking for four vehicles;
 - c. Be designed to resemble a single-family residence so as to blend in with the design and appearance of the surrounding residences in the neighborhood;

d. No more than one duplex shall be allowed per any three successive lots adjoined by side property lines as defined in Section [17.04.030](#).

Exception: Lots which have twenty feet or less frontage on the public street shall not be required to be counted on a successive lot. This exception is intended to allow successive duplexes if located behind single-family lots.

5. Child day care centers meeting state requirements;
6. Adult or family day care facilities meeting state requirements;
7. Accessory dwelling units in compliance with Chapter [17.100](#).

B. Conditional Uses.

1. Planned residential developments;

2. Tiny home communities in compliance with Chapter 17.120;

32. Group homes;

43. Dependent relative cottages;

54. Mobile and manufactured home parks in compliance with Chapter [17.48](#);

65. Personal services;

76. Professional offices with no outside storage;

87. Outdoor recreation facilities;

98. Public utilities, excluding wireless communication facilities;

~~109.~~ Quasi-public uses;

~~1110.~~ Public uses.

C. Prohibited Uses. All uses not listed above, including adult entertainment and wireless communication facilities. (Ord. 1954-20 § 1 (Exh. A)(part), 2020; Ord. [1695-11](#) § 1, 2011; Ord. [1484-04](#) § 5 (part), 2004; Ord. [1312-98](#) § 1 (part), 1998; Ord. [1222-95](#) § 2, 1995; Ord. [1013](#) § 2.02.01, 1985)

[...]

Chapter 17.16

RESIDENTIAL 15 (R-15) ZONE

[...]

17.16.010 Use restrictions.

Use restrictions in the R-15 zone shall be as follows:

A. Permitted Uses.

1. Multifamily residential uses up to eight units per building or up to twelve units per building if the building is three stories and the units are evenly distributed between the three floors;
2. One single-family residence per lot;
3. Low-intensity agriculture;
4. Home occupations in compliance with Chapter [17.68](#);
5. Group homes;
6. Dependent relative cottages;
7. Professional offices;
8. Child day care centers meeting state requirements;
9. Planned residential developments;

10. Adult or family day care facilities meeting state requirements.

B. Conditional Uses.

1. Tiny home communities in compliance with Chapter 17.120:

2. Mobile and manufactured home parks in compliance with Chapter [17.48](#);

32. Offices other than professionals;

43. Outdoor recreation facilities;

54. Public utilities, excluding wireless communication facilities;

65. Quasi-public uses;

76. Public uses;

87. Commerce;

98. Personal services.

C. Prohibited Uses. All uses not listed above, including adult entertainment and wireless communication facilities. (Ord. [1920-19](#) § 1, 2019; Ord. [1484-04](#) § 6 (part), 2004; Ord. [1312-98](#) § 1 (part), 1998; Ord. [1013](#) § 2.03.01, 1985)

[...]

Chapter 17.120

TINY HOME COMMUNITIES (THCs)

Sections:

17.120.010 Purpose.

17.120.020 Zoning districts where permitted.

17.120.030 Permitted uses.

17.120.040 Density.

17.120.050 Maximum lot coverage.

17.120.060 Relationship of design to adjacent areas.

17.120.070 Property development standards.

17.120.080 Approval—Procedure.

17.120.090 Approval criteria.

17.120.100 Requirement for homeowner's association and restrictive covenants.

17.120.110 Phasing.

17.120.010 Purpose.

It is the purpose of this chapter to create an affordable option for long term/permanent housing, integrated with Sedro-Woolley's existing residential building types and configurations. Furthermore it is the purpose of this section to:

- A. Provide a framework for the development of tiny home communities (THCs);
- B. Promote/implement affordable housing communities;
- C. Promote shared communities that are healthy and sustainable;

- D. Provide a new form of housing while maintaining the historic look and feeling of Sedro-Woolley neighborhoods;
- E. Encourage maximum efficiency in the layout of streets, stormwater facilities, utility networks and other public improvements through innovative site layout and the use of clustering;
- F. Create and/or preserve usable open space for the enjoyment of the occupants and the general public; and
- G. Encourage infill within areas of the city which are characterized by existing development.

17.120.020 Zoning districts where permitted.

THCs may be permitted in the following zoning districts:

- A. R-5, residential 5;
- B. R-7, residential 7;
- C. R-15, residential 15;

17.120.030 Permitted uses.

The following uses are allowed in THCs:

- A. Tiny homes as defined in Chapter 17.04
- B. Park models as defined in Chapter 17.04, limited to 25% of the total units in the THC.

17.120.040 Density.

A. Permitted Density. Density shall be allowed as determined in the underlying zone as shown in the table below. Allowed number of units shall be calculated by dividing the total site area (less area encumbered by wetlands, fish and wildlife habitat conservation

areas and their respective buffers per Chapter 17.65) by the maximum units allowed per acre and rounding down to the nearest whole number. Land area encumbered by wetlands, fish and wildlife habitat conservation areas and their respective buffers per Chapter 17.65 do not count towards the density allowed, but may count as open space per Sections 17.43.060(H) and (I).

<u>Underlying Zone</u>	<u>Minimum units per net 0.5 acres (see Section 16.04.060)</u>	<u>Maximum units per net 0.5 acres (less area encumbered by wetlands, fish and wildlife habitat conservation areas and their respective buffers)</u>
<u>Residential 5</u>	<u>4</u>	<u>15</u>
<u>Residential 7</u>	<u>4</u>	<u>20</u>
<u>Residential 15</u>	<u>4</u>	<u>25</u>

Density bonuses may be granted per subsections B-D below, allowing up to 10 additional units on-site.

B. Energy Efficient and Climate Resilient Development Bonus. THC developments that provide energy efficient and climate resilient development measures to all houses within the THC may receive a density bonus. An additional 5 units may be granted for THC's which include at least one of the sustainability measures listed below:

1. Solar panels
2. Heat pumps
3. Low embodied carbon materials
4. Geothermal energy pumps
5. Other sustainable development measures, subject to approval by the Planning Director

A conceptual plan indicating the sustainability measure(s) chosen must be included with preliminary plat application materials.

C. Self-Help Bonus. THC developments which use self-help approaches to promote affordable housing are encouraged. If a minimum of 25% of the units within the THC are to be sold through self-help programs as defined in Chapter 17.04, the THC may receive a density bonus of an additional 5 units. The applicant shall submit documentation of a partnership agreement with the self-help program of choice at the time of preliminary plat approval.

D. Public Transit Bonus. THC development sites that incorporate a bus-stop on or adjacent to the site, or can apply a ride-sharing system equivalent as defined in Chapter 17.04, may receive a density bonus of an additional 5 units. The location of the bus stop must be approved by Skagit Transit.

17.120.050 Relationship of design to adjacent areas.

A. The design and layout of a THC development shall take into account the relationship of the site to the surrounding areas. The THC shall be designed so as to minimize any undesirable impact of the THC on adjacent properties.

17.120.060 Property development standards.

A. Acreage minimum and maximum. The minimum site size for a THC shall be one-half of an acre. The maximum site size for a THC shall be two acres.

B. Minimum lot requirements in the R-5, R-7 and R-15 zones.

1. Residential lots created for THC's within the R-5, R-7 and R-15 zones may be a variety of sizes, provided that no lot shall be less than 400 square feet and no lot shall be larger than 1,500 square feet.

C. Maximum lot coverage. Lot coverage is the percentage of the lot covered by structures including the main and all accessory buildings. Maximum lot coverage requirements in the residential R-5, R-7 and R-15 zones shall be as follows:

1. Fifty percent.

D. Landscaping. Each residential lot created for THC's shall have a minimum of fifteen percent on-site landscaping that shall be approved as a condition of the building permit.

E. Setbacks. Setbacks for all residential lots created for THC's within the R-5, R-7 and R-15 zones shall be as listed below:

1. Front: ten feet

2. Side: five feet

3. Rear: ten feet for residences, five for accessory structures

F. Height restrictions. The maximum height of a tiny house or park model shall not exceed twenty feet.

G. Off-street parking. A minimum of one parking space shall be provided for every residential unit within the THC, either in a community parking area within the development boundaries or within individual lot lines.

H. Open space. Each THC shall provide open space according to a 1:8 ratio of common open space to private lots within the THC, respectively. Common open space areas shall total a minimum of 3,000 square feet for every 8 private lots. The dispersal of common open space areas on the site is allowable, but no single area shall be less than 1,500 square feet.

I. Of the open space required to be provided, fifty percent shall be “usable open space.” “Usable open space” includes only open space which is accessible for active or passive recreation purposes, is visually integrated into the design so that it is an intentional aspect of the THC, or is a direct benefit to the THC residents. “Usable open space” may not include lots, dwellings, private yards, outdoor storage, streets and any associated rights-of-way, driveways, parking areas, fenced stormwater detention ponds, critical areas and their associated buffers, slopes in excess of fifteen percent, areas with any dimension less than ten feet, and required perimeter buffers that do not include screened trails and pathways (where applicable). At least fifty percent of the “usable open space” shall be for active purposes. Open space for active purposes includes areas which have appropriate topography (generally less than a ten percent slope), soils, drainage, and size to be considered for development as active areas for all residents, owners, or users of the THC. The remaining open space that is not “usable open space” may include critical areas and utility easements.

1. That portion of multiuse stormwater facilities which provides significant recreational or aesthetic benefit per subsection J of this section may count as usable open space.

2. Only that portion of utility corridors/easements which contain improved walking trails in compliance with federal, state and city regulations may be counted as usable open space. The applicant shall provide documentation that the walking trail meets these criteria.

3. Only open space which satisfies the requirements of the design standards and guidelines of Chapter 15.44 and the current version of the Sedro-Woolley Design Standards and Guidelines manual may be counted as usable open space.

4. That portion of sensitive areas, such as fish and wildlife habitat areas, which are accessible to the residents or public and integrated into the design of the THC in a manner which results in restoration or enhancement of the functional values of the sensitive area, may be included in the usable open space calculation.

J. Stormwater Detention Facilities. All stormwater detention facilities are subject to Sedro-Woolley stormwater management regulations (Chapter 13.36) and for the purposes of this chapter, are differentiated as dry ponds or wet ponds. A dry pond may be included as part of the required usable open space area of a THC only if the pond meets the criteria in subsection (J)(1) of this section. A wet pond may be included as part of the required open space (not usable open space) area of a THC only if the pond meets the criteria in subsection (J)(2) of this section.

1. Dry ponds for the purposes of this chapter are stormwater facilities that incorporate usable recreation area per the following criteria:

- a. The detention facility does not provide drainage for public facilities, including public streets, unless all easements and drainage releases are approved;
- b. The detention facility shall be constructed so as to drain fully when precipitation is not occurring (i.e., no standing water shall be left) unless the facility is a pond designed as an aesthetic amenity;
- c. The side slope of the detention facility shall not exceed thirty-three percent, unless such slopes already exist naturally and are covered with vegetation. Where the facility has a hard surface wall or slope, the vertical drop shall not exceed twenty-four inches without fencing appropriate to the site conditions to protect public safety;
- d. If detention facilities are located adjacent to or near a natural, year-round stream or wetland, these systems shall be left in a natural or near-natural condition;
- e. The detention area shall be landscaped both in a manner consistent with maintaining high aesthetic standards and is able to withstand the inundation expected;
- f. Use of property set aside as open space area for both detention and recreation purposes shall not be acceptable if the detention area is rendered unsuitable or unavailable for recreation use during dry weather; and

g. In the case of joint use of open space set aside (not dedicated to city) for detention and recreation, the homeowner's association shall be responsible for the maintenance in perpetuity of the facilities in the condition approved under the development contract.

2. Wet ponds for the purposes of this chapter contain water year-round and may count towards open space if the wet pond is an amenity to the THC and meets all of the criteria below. Wet ponds that do not meet the below criteria shall be screened per the screening requirements in Section 17.50.120:

a. Contain circulated water that is not brackish;

b. Be surrounded by a trail or be located adjacent to another active open space;

c. Children's play structures may not be located closer than one hundred fifty feet to a stormwater pond;

d. The pond must be curvilinear in shape, not rectangular;

e. Only thirty percent of the circumference of the pond may contain berming;

f. The inside slope of the pond shall be three to one or flatter;

g. Gravel and asphalt shall not be used for pond access;

h. No fencing shall be provided around the pond; and

i. The applicant shall place appropriate signage near the pond which says, "This pond is for stormwater detention and/or treatment purposes. Swimming or fishing or other recreational activities are prohibited" or similar signage approved by the Planning Director.

17.120.070 Approval procedure.

THC applications shall be processed as subdivisions under Chapter 16.08.

In addition, the following procedure is required for approval of the THC:

A. Documents.

1. Vicinity map showing the location of the site and its relationship to surrounding areas, including the land use and zoning of both the site and the surrounding areas;
2. A map of the site drawn to a scale of not less than one inch representing one hundred feet showing the following:
 - a. Existing site conditions including watercourses, floodplains and unique natural features;
 - b. The location and floor area size of all existing and proposed buildings, structures and other improvements including maximum heights, density, and any nonresidential structures;
 - c. The location and size in acres or square feet of all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, and similar public or semipublic uses;
 - d. The existing and proposed circulation system of streets, including parking areas, service areas, loading areas and major points of access to public rights-of-way;
 - e. The existing and proposed pedestrian circulation system;
 - f. The existing and proposed utility systems, including sanitary sewers, storm sewers, water, electric, gas and telephone; and
 - g. The proposed treatment of the perimeter of the THC, including materials and techniques used such as screens, fences and walls.
3. In addition to the graphic illustrations listed in subsections (A)(1) and (2) of this section, the applicant shall submit a written statement providing the following information:
 - a. Program for development including staging or timing of development;

b. Proposed ownership pattern upon completion of the project;

c. Basic content of any restrictive covenants; and

d. Provisions to assure permanence and maintenance of common open space through a homeowners' association or similar association, condominium development or other means acceptable to the city.

4. An application for preliminary plat must be submitted with the THC application. Fees for the subdivision shall be in addition to those of the THC application.

B. A THC application must contain sufficient detail to show compliance with the design standards and guidelines of Chapter 15.44 for the layout, infrastructure, and buildings within the THC, to allow the reviewing body to incorporate compliance with design standards into its recommendation and final decision. The applicant is expected to submit this information in a format that meets the standards of an architect or design professional. The integration of a comprehensive, well-planned design into all aspects of the THC is a required element of the application. The application and approval shall require subsequent construction within the THC to conform with the approved design elements, at a sufficiently detailed level to ensure subsequent compliance with the approval documents.

C. Filing of Application. Application for approval of the THC shall be made on forms prescribed by the planning department and which shall be accompanied by a filing fee as required.

D. Public Hearing. A THC is a Type IV land use application under Chapter 2.90. The hearing examiner shall hold a public hearing on the proposed THC.

E. Hearing Examiner Decision. Following the public hearing, the hearing examiner shall make a report of findings and decision with respect to the proposed THC, and shall give approval, approval with modifications, or disapproval to the proposed THC. The decision may be appealed as allowed in Chapter 2.90. The hearing examiner report of findings and decision shall include, but need not be limited to, the following items:

1. Suitability of the site area for the proposed development;

2. Requirements of the subdivision code for the proposed development;

3. Time limitations for the entire development and specified stages;
4. Development in accordance with the Sedro-Woolley comprehensive plan;
5. Public purposes have been served by the proposed development;
6. Compliance with the design standards and guidelines.

17.120.080 Approval criteria.

In addition to the findings of fact required for approval, the following criteria shall be met for approval of a THC:

A. Design Criteria. The design of the THC shall achieve two or more of the following results:

1. High quality architectural design, placement, relationship or orientation of the structures;
2. Achieving the allowable density for the subject property;
3. Improving circulation patterns;
4. Minimizing the use of impervious surfacing materials;
5. Increasing open space or recreational facilities on site; and
6. Preserving, enhancing or rehabilitating the natural features of the property such as significant woodlands or critical areas.

B. Perimeter Design. The perimeter of a THC shall be appropriate in design, character and appearance with the existing or intended character of the development adjacent to the subject property and with the physical characteristics of the property.

C. Streets and Sidewalks. Existing and proposed streets and sidewalks within a THC shall be suitable to carry the anticipated traffic within the proposed development and the vicinity. The design of the circulation system shall be consistent with the requirements of Chapter 16.08.

D. Site Infrastructure. Small-scale utility infrastructure, such as utility boxes, shall be located and/or screened so as not to be visible from the rights-of-way. Larger utility infrastructure, such as a pump station, shall be placed inside a building that meets design standards and functional needs of the utility.

17.120.090 Requirement for homeowner's association and restrictive covenants.

To preserve and maintain community facilities and open space, every THC shall have a homeowner's association, or similar association acceptable to the city, and agreements and enforceable covenants to fund and effectively collect funds for such an organization. Such agreements and enforceable covenants shall apply to all property within the THC, shall be recorded and shall run with the land.

A. The restrictive covenants and/or homeowner's association intended to be used by the applicant in a THC, which purports to restrict the use of land, the location or character of buildings or other structures thereon, set aside open space, and establish provisions for the perpetual maintenance of common grounds, must be reviewed by the technical review committee. The city attorney shall review the document(s) and make a written report confirming adequacy to the planning department before final approval of the THC application and recording with the county auditor.

B. The homeowner's association authority shall be established in restrictive covenants applicable to all property within the PRD. Such restrictive covenants shall provide, inter alia, for the assessment, collection and enforcement of collection of such homeowner's dues as are necessary for adequate maintenance of open space, common grounds and facilities, any private roads or utilities, and for performance of any other association obligations.

C. The exterior of any non-residential structure and property on which non-residential structures are located shall be maintained uniformly by the homeowner's association.

D. The homeowner's association documents shall address storage and parking of RVs, trailers, boats, ATVs, etc. Such vehicles shall not be stored on city streets, rights-of-way, driveways or side yards. Screened, community-owned storage areas for such vehicles may be provided.

E. The homeowner's association documents shall include restrictions on parking of vehicles in grassed, landscaped or gravel areas. Parking on private and HOA-owned land shall be constructed of concrete, asphalt or concrete pavers.

F. The homeowner's association documents shall require the maintenance of private fences visible from the public right-of-way.

17.43.100 Phasing.

If an applicant wishes to phase their THC project, the following minimum criteria shall be used in approving a phasing plan:

A. A phasing plan shall be reviewed and approved as part of the preliminary THC process. The hearing examiner shall specifically approve the phasing plan as part of the preliminary THC process. If a project has already received preliminary THC approval and the applicant wishes to phase their project, the applicant shall have a major modification approved through the hearing examiner.

B. To approve a phasing plan, each phase (at a minimum) shall include:

1. Infrastructure such as roads and utility systems to ensure enhanced circulation and public safety as determined by the Public Works Director.

2. Usable open space areas shall be included within each phase proportionate with the size of each phase. For example, if twenty-five percent of the overall acreage of the THC is in a particular phase, twenty-five percent of both the usable open space areas (active and inactive) shall be created/installed as part of that phase.