

CITY OF SEDRO-WOOLLEY  
PLANNING DEPARTMENT  
325 Metcalf Street  
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## TRANSMITTAL & REPORT MEMORANDUM

**HEARING DATE:** March 24, 2020 at 10:00 am

**TO:** Sedro-Woolley Hearing Examiner

**RE:** LP-2019-389 – Preliminary Plat Approval for the Proposed Plat of  
**Brickyard Park** a Planned Residential Development

**FROM:** \_\_\_\_\_  
Katherine Weir, Assistant Planner

### GENERAL INFORMATION:

**APPLICATION DATE:** November 1, 2019

**APPLICATION COMPLETE:** November 14, 2019

**RECOMMENDATION:** Staff Recommends **Approval with Conditions**

**PROJECT NAME:** Plat of Brickyard Park - a Planned Residential Development

**SITE LOCATION:** McGarigle Road, Parcel #39374

**PARCEL ID NOS.** P39374

**ZONING DISTRICT:** Residential 7

**SITE AREA:** 12.7

**PROPERTY OWNER:** Brickyard Park, LLC  
702 Metcalf Street, Suite A  
Sedro-Woolley, WA 98284

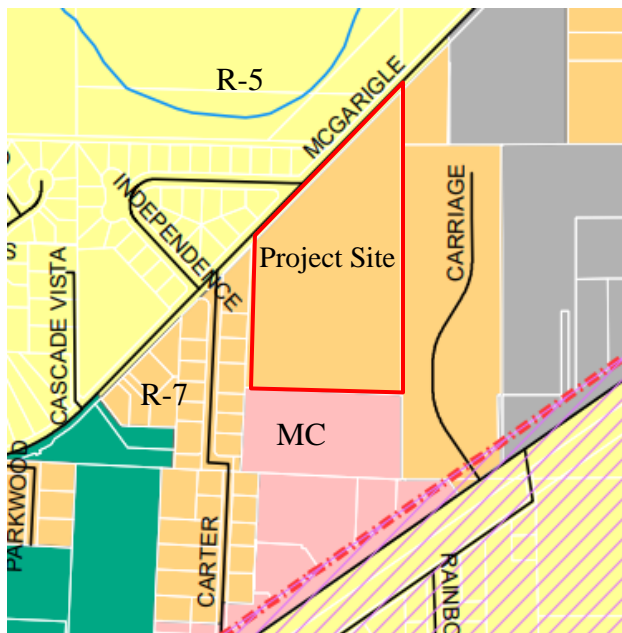
**PROJECT PROPONENT:** BYK Construction Inc.  
ATTN: Tim Woodmansee  
702 Metcalf Street, Suite A  
Sedro-Woolley WA, 98284

**DESCRIPTION OF PROPOSAL:**

The City has received a preliminary long plat application for a proposal to develop an 85-lot Planned Residential Development (PRD) on a vacant 12.7 acre property on McGarigle Road. The proposed PRD will be age-restricted to 55 and older. The property is zoned Residential 7 and allows for a variety of lot sizes under the PRD regulations in Chapter 17.43 of the Sedro-Woolley Municipal Code (SWMC). The proponent is proposing 52 single family lots and 33 lots that can accommodate one townhome unit per lot. The project includes construction of a new public road accessed off McGarigle Road, a shared (private) open space area with a clubhouse and stormwater infrastructure. The project is proposed be in two phases; phase one will include the open space tract and 42 of the 85 proposed lots. The new road will not be a complete loop in phase one and will instead have a temporary turn-around. Phase two will include the remaining 43 lots and completion of the access road.

**COMPREHENSIVE PLAN LAND USE DESIGNATIONS, ZONING DESIGNATIONS AND EXISTING LAND USES OF THE SITE AND SURROUNDING AREAS:**

Area	Land Use Designation	Zoning	Existing Use
Project Site	Medium Density Residential	Residential 7	Undeveloped
North	Low density Residential	Residential 5	Single-Family Residential
South	Mixed Commercial	Mixed Commercial	Self-Storage Lots
East	Medium Density Residential	Residential 7	Single-Family Residential
West	Medium Density Residential	Residential 7	Single-Family Residential



<b>Residential 7 (R-7) Zoning Regulations:</b>			
Minimum lot size:	6,000 square feet	Lot width at building line:	40 feet
Front Setback:	20 feet	Lot width at road frontage:	20 feet
Rear Setback:	10 feet	Maximum building height:	35 feet
Side Setback:	5 feet for 1-story buildings, 8 feet for 2-story	Maximum building coverage:	50%

**PUBLIC UTILITIES AND SERVICES PROVIDED BY:**

<b>Water:</b>	Skagit County PUD #1	<b>Cable TV:</b>	Comcast
<b>Sewer:</b>	City of Sedro-Woolley	<b>Police:</b>	City of Sedro-Woolley
<b>Garbage:</b>	City of Sedro-Woolley	<b>Fire:</b>	City of Sedro-Woolley
<b>Storm Water:</b>	City of Sedro-Woolley	<b>School:</b>	Sedro-Woolley School District
<b>Telephone:</b>	Verizon	<b>Hospital:</b>	Peace Health
<b>Electricity:</b>	Puget Sound Energy	<b>Gas:</b>	Cascade Natural Gas

**ANALYSIS**

1. Application Process and Public Notice:

- a. Per Chapter 2.90 SWMC, both a preliminary long plat and a PRD are Type IV permits and shall be reviewed in accordance with the procedure for a Type IV permit process. Planned Residential Development applications are run along with a subdivision application.
- b. Chapter 2.90 SWMC specifies the requirements for notice of application and SEPA determinations.
- c. On September 3, 2019 city staff met with the project proponent Tim Woodmansee for a required Pre-Application meeting for an 85 lot, ages 55 and up Planned Residential Development (PRD) on an undeveloped lot off McGarigle Road.
- d. On November 1, 2019 the City received the Preliminary Long Plat and PRD application materials, including a preliminary long plat application (**Exhibit B**) and a PRD checklist (**Exhibit C**). The application was determined to be complete on November 14, 2019.
- e. On November 18, 2019 the City issued a Notice of Application and SEPA Comment Period (**Exhibit D**). The notice was mailed to all property owners within 500 feet of the property, posted on site, and published in the Skagit Valley Herald legal notices on November 18, 2019.
- f. The SEPA Comment Period ended on December 2, 2019. The City received a total of 13 comments.

- g. On January 13, 2020 the City Issued a SEPA Mitigated Determination of Non-Significance (MDNS) (**Exhibit E**). The Notice of SEPA Determination was sent to all property owners and residents within 500 feet of the property and published in the January 13 Skagit Valley Herald in the legal notices.
- h. On January 29, 2020 the city re-issued the SEPA MDNS (**Exhibit F**) with no changes to the mitigation requirements, only an extension of the appeal period. The MDNS was re-issued due to a procedural error. The re-issued MDNS was sent to all property owners and residents within 500 feet of the property, all parties of record, posted on the subject site and published in the legal notices section of the January 29, 2020 Skagit Valley Herald.
- i. The appeal period for the re-issued MDNS ended on February 12, 2020. On January 27, 2020, the City received one appeal from a group of neighbors.
- j. Applicable law requires the appeal of a threshold determination be consolidated with the hearing of the underlying permit. Thus, a hearing with two parts was scheduled for March 24, 2020. Notice of the hearing (**Exhibit G**) was sent to all property owners and residents within 500 feet of the property, all parties of record, posted on the subject site and published in the legal notices section of the March 13, 2020 Skagit Valley Herald.

**CONCLUSION: The application meets the procedural and public notice requirements for Type IV applications established in Chapter 2.90 SWMC.**

2. Public Comment:

- a. During the comment period, the city received a comment letter from the department of Ecology (**Exhibit H**) regarding nearby contaminated sites, a letter from Sound Transit regarding potential public transportation (**Exhibit I**), and 11 comment letters from the neighbors (**Exhibits J and K**).
- b. The neighbor comments were mostly concerned with the level of traffic during school pick up and drop off, with cars idling on the road during this time, and the safety of school children who walk or ride their bikes to school.

3. Environmental and Critical Area Review:

- a. The applicant submitted a SEPA Checklist (**Exhibit L**) a Critical Areas Assessment Report (**Exhibit M**) and other documents related to the environment, including a Traffic Impact Analysis (**Exhibit N**). The SEPA checklist identified no significant environmental impacts from the proposal, the Critical Areas Assessment indicated that there are no wetlands or critical areas on site, and the traffic impact analysis indicated that no significant traffic impacts would occur from the proposal.
- b. A Notice of Application and SEPA Comment Period was issued by the SEPA lead agency (City of Sedro-Woolley) utilizing the optional DNS process in WAC 197-11-

355. The public comments that were received are addressed above in Section 2 – Public Comments.

- c. Prior to issuing an MDNS, the City carefully reviewed the public comments. The major concerns are the potential traffic impacts of the proposed subdivision. The City Engineering Department carefully reviewed the Traffic Impact Analysis (**Exhibit N**) submitted with the application. To assure that the information in the Traffic Impact Analysis is correct, the City hired a third party (TSI) to review Traffic Impact Analysis. TSI performed the review and produced a Technical Memo (**Exhibit O**) dated October 4, 2019 that found no errors in the Traffic Impact Analysis.

To analyze the cumulative impacts of recently completed development, the proposed 85-lot PRD and four other proposed subdivisions (115 lots, 201 lots, 31 lots and 6 lots for a total of 353 proposed lots), the City hired TSI to produce a separate concurrency study referred to as the Citywide Transportation Concurrency Review (**Exhibit P**). The TSI Citywide Transportation Concurrency Review examined the impacts of the identified development on the entire city transportation network and also examined the impacts on McGarigle Road and the intersection of McGarigle and North Township Street (alternately named State Route 9). The TSI Citywide Transportation Concurrency Review concluded that the traffic impacts of the addition of the identified five pending applications will increase delay, resulting in LOS D at the intersection of McGarigle and North Township Street, but will not trigger an LOS deficiency.

- d. On January 13, 2020 the city issued a SEPA Mitigated Determination of Non-significance for the proposal (**Exhibit E**). The appeal period for that SEPA MDNS ended January 27, 2020.
- e. On January 27, the City received a timely appeal of the SEPA determination from a group of neighbors (**Exhibit Q**). The appeal generally points out that there is traffic on McGarigle Road during school drop-off and pick-up and the appellant does not agree with the Traffic Impact Analysis (**Exhibit N**). The SEPA MDNS appeal hearing is consolidated with the public hearing for the PRD application.
- f. On January 29, 2020 the City issued a revised SEPA MDNS (**Exhibit F**) as discussed in 1.h (above). The appeal period for the re-issued MDNS ended on February 12, 2020.

**CONCLUSION: The application as conditioned meets the SEPA standards as identified in WAC 197-11 and the critical areas standards identified in Chapter 17.65 SWMC.**

#### 4. Comprehensive Plan, Zoning and Permissible Uses:

- a. The City of Sedro-Woolley Comprehensive Plan Identifies this area as medium residential. Specifically, this area is zoned Residential 7 (R-7). Planned Residential Developments are allowed in the R-7 as a conditional use.

- b. Specific goals and policies from the Land Use Element of the Sedro-Woolley Comprehensive Plan that are relevant and applicable to this proposal include the following:
  - i. Policy LU5.7: Recognize the rights of property owners to freely use and develop private property consistent with city regulations. The proposal is consistent with city regulations.
  - ii. Policy LU5.8: Encourage high standards of appearance in all residential areas and in other high visibility areas. The proposal is utilizing the PRD provisions in Chapter 17.43 SWMC which require higher standards for appearance.
- c. Specific goals and policies from the Transportation Element of the Sedro-Woolley Comprehensive Plan that are relevant and applicable to this proposal include the following:
  - i. Policy T6.2: Ensure that growth mitigates its impacts through transportation impact fees, SEPA mitigation, concurrency, and development regulations. The proponent will be required to pay all impact fees at time of building permit, including traffic impact fees. This report describes how the proposals impacts are mitigated through SEPA mitigation (**Condition 2**), concurrency (**Conditions 6 and 7**) and development regulations (**Sections 6 through 10**).
  - ii. Goal T7: To provide an adequate transportation system current with the traffic-related impacts of new development. The proposed loop road is part of an adequate transportation system. Traffic impact fees will be required at time of building permit.
  - iii. Policy T7.1: Maintain the adopted Level of Service (LOS) standard for all roadways classified as arterials or state highways. The LOS will be maintained as supported by multiple levels of analysis (**Exhibits N, O and P**).
- d. Specific goals and policies from the Housing Element of the Sedro-Woolley Comprehensive Plan that are relevant and applicable to this proposal include the following:
  - i. Policy H2.1: Encourage affordable housing for the elderly. As an alternative, the elderly should be accommodated in safe, well-maintained multiple-unit structures. This proposal will be age restricted to individuals of the age of 55 and older.
  - ii. Policy H3.1: Require usable outdoor recreation space as part of all residential developments. The proposal includes plans for an open space tract that meets the requirements for recreational open space (**Section 8**).
  - iii. Policy H3.7: Allow planned residential developments (PRD's) within the R7 and R5 land use designation as a conditional use. PRD developments are characterized

by a variety of housing products and provide indoor and outdoor common space for residents. This proposal is utilizing the PRD standards in Chapter 17.43 SWMC and will provide both indoor and outdoor common space for residents by way of a shared open space tract and a clubhouse.

**CONCLUSION: The application, as conditioned is consistent with the Sedro-Woolley Comprehensive Plan and permissible uses identified in Chapter 17.12 SWMC.**

5. Application Type and Specific Criteria: Chapter 16.08 SWMC establishes the requirements and criteria for approving a preliminary subdivision. Chapter 17.43 SWMC establishes the requirements and criteria for Planned Residential Developments (PRDs). Specifically, the criteria for preliminary plat and PRD application are listed below as per Chapters 16.08 and 17.43 SWMC:

- a. A preliminary plat and PRD shall follow the procedures for a type IV permit review pursuant to Chapter 2.90 SWMC.

As concluded in Section 1 of this report, the application has followed the procedures for a type IV review.

- b. A preliminary plat shall be approved if it meets the approval criteria and requirements in Chapter 58.17 of the Revised Code of Washington (RCW).

Preliminary subdivisions are approved subject to the criteria of Chapter 58.17 RCW, which requires provisions for public health, safety, and general welfare; open spaces; drainage; streets; transit stops; potable water supplies; sanitary wastes; parks and recreation and playgrounds; schools, sidewalks, and whether the public interest will be served by the subdivision and dedication. An analysis of each additional criterion will follow in subsequent sections.

The proposal includes plans for a 55,532 Square foot private shared open space, a new road with street trees, sidewalks and planter strips, and provisions for drainage, water supplies, and sewage. The proposed development is within close proximity to local schools, however the age-restricted community that is proposed will likely result in very few new student admissions. The private shared open space tract includes a clubhouse for the residents to use for recreation and leisure.

**CONCLUSION: The proposed subdivision as conditioned is consistent with the criteria described in Chapters 16.08 and 17.43 SWMC and RCW 58.17.110 for preliminary subdivision approval.**

6. Dimensional Standards:

- a. The dimensional standards of Chapters 17.12 and 17.43 SWMC apply to this subdivision.

- b. Single family residential lots created through the PRD process in the R-7 zone may be a variety of sizes provided that no lot shall be less than 4,800 square feet in size – except 50 percent of the single family lots may be as small as 4,000 square feet. The applicant has proposed 52 single family lots ranging in size from 4,673 square feet to 14,090 square feet.
- c. In the R-5 and R-7 zones, the minimum lot size for townhouse units on their own platted lot is 2,500 square feet for center townhouse units and 3,000 square feet for corner lots. The applicant has proposed 33 zero lot line townhome lots that vary in size from 3,675 to 5,122 square feet.
- d. The setbacks in a PRD must comply with the underlying zone, however per Chapter 17.43 SWMC, alternate setbacks to lots within the PRD can be specified in the PRD preliminary subdivision approval. Corner lots have two front setbacks in the underlying zone. In the narrative provided with the application (**Exhibit R**), the applicant has proposed a reduction to the second front setback on corner lots, a reduction in the garage setback on certain lots accessing off a private shared driveway, and a reduction in the side setbacks for all lots for a two story building. City Staff has reviewed the application against the criteria for alternate setbacks and recommends approval of the proposed reduced setbacks.

**CONCLUSION: The proposal as conditioned meets the dimensional standards set forth in Chapters 17.12 and 17.43 SWMC.**

7. Streets and Sidewalks:

- a. Streets and sidewalks in new subdivisions are required to meet the public works constructions standards described in Chapter 15.40 SWMC.
- b. Parking facilities, including driveways accessing public thoroughfares must meet the standards in Chapter 17.36 SWMC.
- c. Access to the subdivision will be from one new access point off McGarigle Road. The loop road that will serve the new lots is proposed to be dedicated to the city to become a public road.
- d. The proposed loop road will include frontage improvements within the loop, no frontage improvements are required on McGarigle Road. Plans for the proposed loop road include curb, gutter sidewalk, and planting strips with street trees along with any required pavement overlay and striping.
- e. SWMC 17.36.040(A) requires that ingress and egress be designed with respect to intersections, crosswalks and traffic in general so as not to create safety hazards or impedances. The entry point of the proposal will be off of an arterial road, however all of the proposed homes will utilize the proposed loop road for driveways. Street parking will only be allowed on one side of the street due to the paved width of 38



feet. The proponent or successor will dedicate all roads as public right-of-way at the time of final subdivision approval (**Condition 6**).

- f. The proposed road will be built in two phases. The road in phase one will not be a complete loop but will instead utilize a temporary turn around. The road will not be completed as a loop until phase two. The temporary turn-around must meet city standards and be approved by the city engineer for phase one and the road must be completed as a loop for phase two (**Condition 6**).

**CONCLUSION: The application as conditioned meets the streets and sidewalk standards identified in Chapters 15.40 and 17.36 SWMC and in the current Engineering Design & Development Standards.**

8. Landscaping and Open Space:

- a. Per Chapter 17.43 SWMC, a PRD is required to provide no less than twenty percent of the gross site area of the PRD for common open space, or if one hundred percent of the open space provided is “usable open space” as defined in SWMC 17.43.060, then no less than ten percent of the gross site area of the PRD shall be provided as open space. The applicant is proposing a 55,532 square foot shared open space tract with 100 percent of the space qualified as “usable open space” per the definition in SWMC 17.43.060(I). The size of the proposed open space accounts for 10 percent of the gross site area (553,212 square feet).
- b. The applicant was required to submit a landscape plan (**Exhibit S**) with the application materials in accordance with the requirements of Chapters 17.38 and 17.50 SWMC. Staff has found that the landscape plan for the proposal demonstrates compliance with both of the code chapters and the Sedro-Woolley Design Standards and Guidelines for recreation areas.

**CONCLUSION: The proposal as conditioned meets the requirements for landscaping and recreational area as described in Chapters 17.38, 17.43 and 17.50 SWMC.**

9. Design Review:

- a. PRDs are held to a higher level of design standards than a standard subdivision. Per the PRD criteria in SWMC 17.43.080(A), the design of the PRD shall achieve two or more of the following results: High quality architectural design, placement, or orientation of the structures; achieving the allowable density for the subject property; improving circulation patterns; minimizing the use of impervious surfacing materials; increasing open space or recreational facilities on site; and preserving, enhancing or rehabilitating the natural features of the property such as significant woodlands or critical areas.
- b. The plat map that was submitted (**Exhibit T**) and the landscape (**Exhibit S**) plan demonstrate that the proposal meets two or more of the criteria. Namely, staff finds that the orientation of the lots around a large open space tract achieves high quality

placement and orientation of structures, and the proposal achieves the allowable density for the subject property.

- c. Buildings in the PRD will be required to meet the additional design standards for PRDs in the Sedro-Woolley Design Standards and Guidelines enabled by Chapter 15.44 SWMC as well as 25% landscaping per lot, to be reviewed at time of building permit.
- d. All development must meet the design standards described in SWMC 16.08.100.
- e. The road and lot access shown on the plat map (**Exhibit T**) meet the standards in SWMC 16.08.100.

**CONCLUSION: The proposal as conditioned will meet the design standards described in Chapters 17.43 and 16.08 SWMC as well as the Sedro-Woolley Design Standards and Guidelines.**

10. Parking:

- a. SWMC 17.36.030 requires that single-family residences provide two off-street parking spaces per dwelling unit. The plat map (**Exhibit S**) shows that the lots have sufficient size and layout to meet this requirement.
- b. Chapter 17.43 SWMC requires PRDs to provide one on-street parking space per every four units. The applicant provided a parking plan (**Exhibit U**) that demonstrates that the proposal meets this requirement.

**CONCLUSION: The proposed subdivision as conditioned will meet the parking requirements identified in Chapters 17.36 and 17.43 SWMC.**

## **STAFF RECOMMENDATIONS**

Application # LP 2019-389, a proposed preliminary subdivision application for an 85-lot Planned Residential Development restricted to residents of 55 years and older is **recommended for APPROVAL subject to the following conditions:**

1. All development shall generally conform to the proposed preliminary plat map as shown in **Exhibit L** and the landscape plan as shown in **Exhibit F**.
2. Comply with the mitigation measures included in the SEPA MDNS issued January 29, 2020.
3. Construction of all required infrastructure improvements, including, but not limited to, streets, curbs, sidewalks, sewer, landscaping and street lighting shall be completed prior to final plat application or bonding in an amount approved by the City Engineer shall be filed with the City.

4. A homeowners association shall be created to own and maintain the stormwater system infrastructure, recreation area tract and shared driveways; the homeowner's association documents shall be approved by the Planning Department prior to recording.
5. The proponent or successor shall submit a final plat map for each phase to the city for review and approval after site improvements are completed, approved, and/or financially secured.
6. Phases one and two shall be approved as separate final plats and shall include separate plat maps and construction as-builds. The civil plans for the project shall include the temporary turn-around for phase one, demolition plans for the temporary turn-around, the completed road plans for phase two along with all other required infrastructure and improvements for final plat approval.
7. The proponent or successor will dedicate all roads as public right-of-way at the time of final subdivision approval.

## **EXHIBITS**

- A. Staff Report
- B. Preliminary Long Plat Application
- C. PRD Checklist
- D. NOA and SEPA Comment Period
- E. SEPA MDNS
- F. Re-issued SEPA MDNS
- G. Notice of Public Hearing
- H. Ecology Letter
- I. Sound Transit Letter
- J. Emerson Letter
- K. Compiled Neighbor Comments
- L. SEPA Checklist
- M. Critical Areas Assessment Report
- N. Traffic Impact Analysis
- O. T.S.I. Technical Memo (October 4, 2019)
- P. City Wide Transportation Concurrency Review
- Q. Letter of MDNS Appeal
- R. Narrative
- S. Landscape Plan
- T. Plat Map
- U. Parking Plan