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PLANNING DEPARTMENT
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TRANSMITTAL & REPORT MEMORANDUM

DATE: July 21, 2020

TO: Sedro-Woolley Planning Commission

REGARDING: CPA-1-20 – Proposed changes to the Zoning and Comprehensive Plan Land Use Maps – 2020 Docket

- RZ-2020-010 – Quam Rezone
- RZ-2020-012 – Ruby - Golf Course Rezone

FROM:

John Coleman, Planning Director

The following proposal is submitted by the Planning Department on behalf of the Sedro-Woolley City Council to review possible amendments to the Zoning and Comprehensive Land Use maps. This report serves as the staff report for CPA-1-20 which include two rezone requests (file numbers RZ-2020-10 and RZ-2020-012) from private property owners which have been and was submitted in accordance with Chapter 2.90 SWMC.

FINDINGS OF FACT

PROPOSAL

Once each year, the City of Sedro-Woolley accepts rezone applications to be processed as part of the annual Comprehensive Plan Docket. In 2020, two requests that affect zoning were placed on the 2020 Docket by the City Council. One application was submitted by the owner of Assessor's Parcel #P76524 (file # RZ-2020-010); and a second application was submitted by the owner of Assessor's Parcel #P39361, which is part of the golf course (file # RZ-2020-012).

RZ-2020-010 is a request to change zoning from Industrial to Residential 7 (R-7). RZ-2020-012 is a request to change zoning from Mixed Commercial to Residential 5 (R-5). Each request is described further below. The current R-7 zoning designation regulations are in Exhibit A; the current Industrial zoning designation regulations are in Exhibit B; current R-5 zoning designation regulations are in Exhibit C; and the current Mixed Commercial (MC) zoning designation regulations are in Exhibit D.

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 2.90.070G and requires Planning Commission (PC) review and a PC recommendation to the City Council.

Advertisements for the opportunity to submit Comprehensive Plan amendment applications were published December 6, 2019 and January 3, 2020 in the Skagit Valley Herald. The deadline for applications was set for January 17, 2020. 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 two aforementioned rezone request applications were received ahead of the published deadline.

At the March 4, 2020 Joint City Council/Planning Commission Study Session, the proposed 2020 Comprehensive Plan and zoning map amendments were discussed but no action was taken. Staff recommended that the two rezone requests be placed on the 2020 Docket. At their regular meeting on March 11, 2020, the City Council made a motion to include the two rezone requests on the 2020 Docket.

Those two rezone requests were introduced as a topic of study at the May 19, 2020 PC meeting. At its July 22, 2020 meeting, the PC will hold a public hearing on the rezone requests. After receiving input from the public, the PC may discuss each proposal, but the PC may not make recommendations until the August 18, 2020 PC meeting. Because the public hearing is held virtually, it is recommended that the public hearing comment period be held open until June 24 at 4:30 PM in order to accommodate participants that were unable to successfully use the Zoom Webinar program. The PC may schedule more hearings for further review of any file as necessary. After the PC recommendations are complete, the City Council can either adopt the PC recommendations; request the PC to re-examine the topic; or hold its own public hearings and adopt different amendments from what the PC recommended.

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 to Adopt Comprehensive Plan and Zoning Map amendments sent July 16, 2020.

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 Plan Land Use Map is part of the Land Use Element of the Comprehensive Plan and guides the Zoning

Map. The Comprehensive Plan 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 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 the Comprehensive Plan Land Use Map and the Zoning Map.

ANALYSIS

There are two separate rezone requests under Comprehensive Plan Amendment file # CPA-1-20: Rezone request RZ-2020-010 for Mr. and Mrs. Quam, and RZ-2020-012 for Mr. Ruby (Granite Holdings, LLC). The location of each rezone request is shown in Figure 1. Each request is described in further detail below.

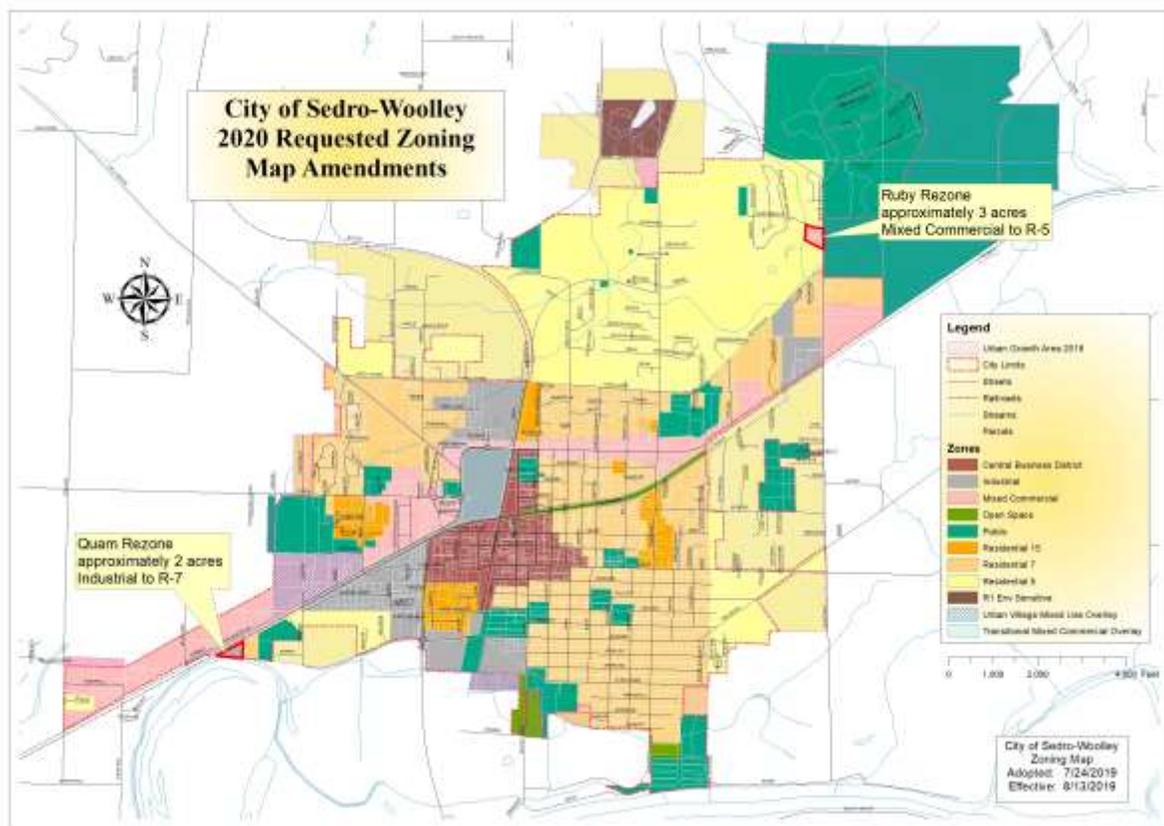


Figure 1 – Location of two rezone requests within city

File # RZ-2020-010 is a request to change zoning of Parcel P76524, a roughly 2.5 acre parcel, from Industrial to R-7. The property to the east is zoned R-7. The property to the north (across SR 20) is zoned Mixed Commercial. The property to the south is outside of city limits and is an unopened right-of-way, which has no zoning use designation. To the south of that right-of-way, the land is zoned Agricultural-Natural Resources per the Skagit County zoning map. A close-up of the zoning map in the area is shown in Figure 2.

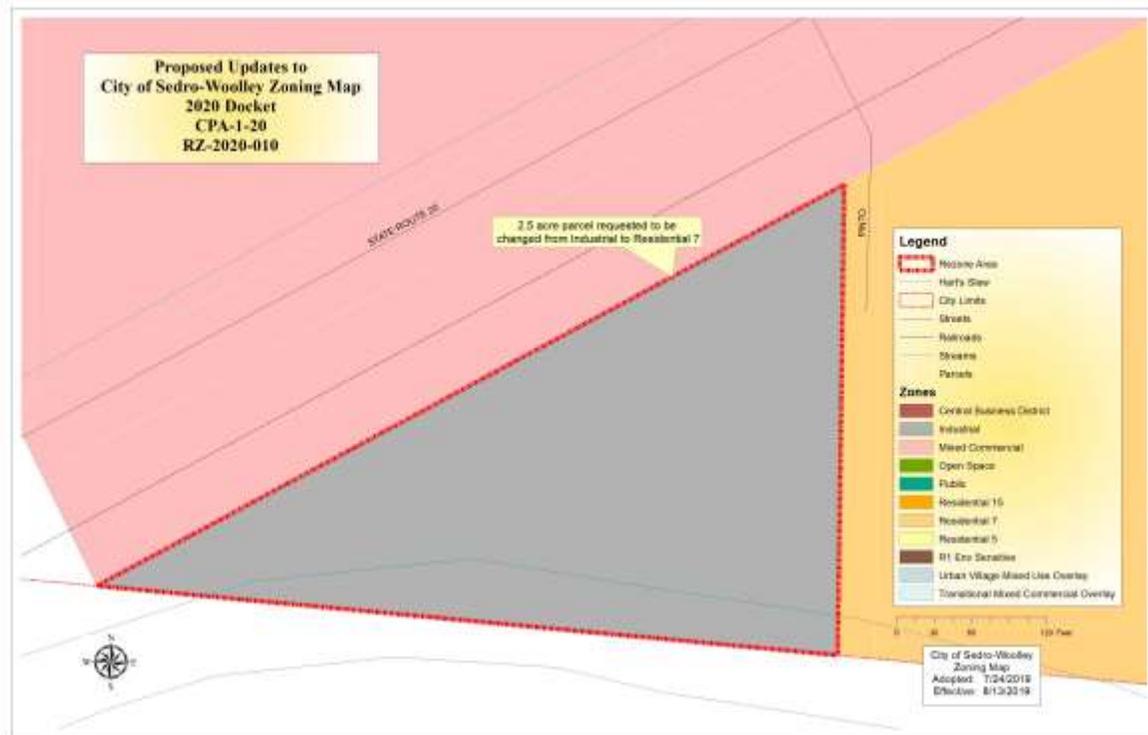


Figure 2 – Zoning map in the area of Quam Rezone Request RZ 2020-010

The Quam rezone application (Exhibit F) was received and determined complete on January 9, 2020. A SEPA Checklist was submitted with the application materials; a SEPA determination using that document will be issued by the Planning Department for the entire 2020 Docket. The property is located south of the State Route 20 and Burlington Northern Rail corridor, and north of Hart Slough (a side channel of the Skagit River). Access is from Pinto Lane, a private, gravel lane. The property is vacant and the applicant describes the use as unused pasture land. An aerial photo of the property is shown in Figure 3.

The applicants/owners, Richard and Janet Quam, requested the zoning change because: “Critical area buffer of 200 feet along Harts Slough would reduce useable area to approximately ¼ acre. For the parcel to be used for industrial purposes would require improved access road and improved BNSF railroad crossing along with sewer and water line under SR 20 and BNSF railroad.” The applicant further states: “While this request pertains to property within the City of Sedro-Woolley UGA, the size of the property and its proximity to Harts Slough will be the determining factors. The required critical area 200-foot buffer for Harts Slough will reduce the useable land area to approximately ¼ acre. Thus, this request will have minimal impact on the population projections of Sedro-

Woolley and any increase in developable land.” As mentioned by the applicant there is a 200’ fish and wildlife habitat conservation area buffer on Hart Slough per the Sedro-Woolley Critical Areas Ordinance (Chapter 17.65 SWMC); Figure 3 shows that buffer.



Figure 3 – Quam rezone request showing 200’ buffer from Hart Slough

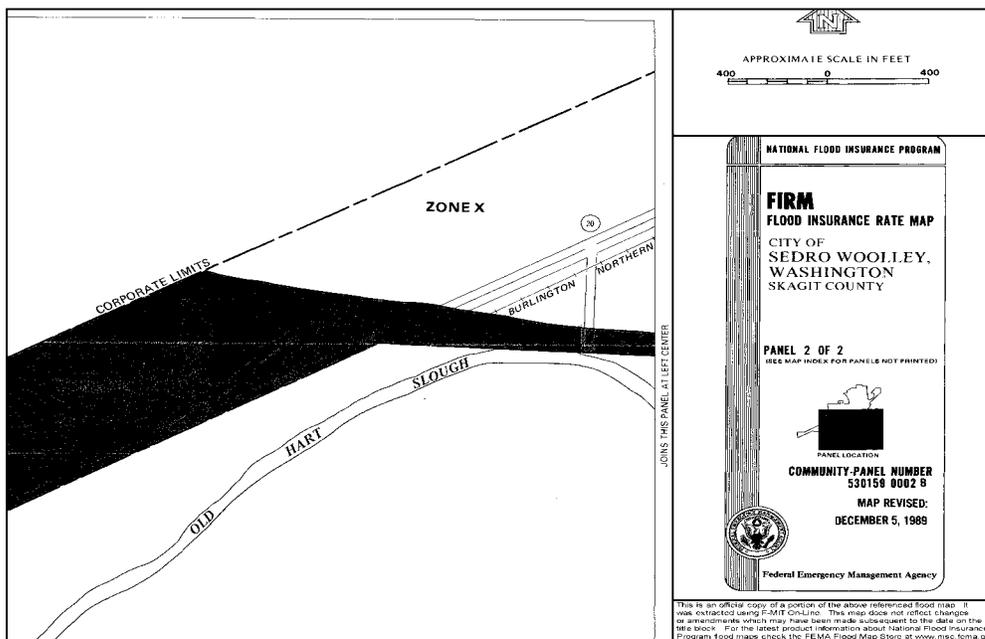


Figure 4 – FEMA FIRMette showing area around Quam property

According to FEMA Flood Insurance Rate Maps (FIRM), the south part of the property is in the the Special Flood Hazard Area (SFHA). The SFHA is also known as the 100 year flood plain. Properties in the SFHA are required to follow additional flood prevention rules found in Chapter 17.66 SWMC and must comply with FEMA development regulations for the SFHA. Figure 4 is a FIRMette map generated from the FEMA Flood Map Service Center. A FIRMette is a map showing just a small portion of a full Flood Insurance Rate Map (FIRM); this FIRMette is specific the area surrounding the Quam rezone property. The south half (roughly estimated) of the rezone property is in the SFHA. The buffer area may also be subject to the Sedro-Woolley Shoreline Master Program.

Consistency with Existing Comprehensive Plan

Staff has reviewed the application materials for rezone request RZ 2020-010, reviewed the site conditions and reviewed the request for consistency with the Sedro-Woolley Comprehensive Plan. The following Land Use Element Goals and Policies support the proposed rezone request.

Goal LU1: To safely accommodate population growth without causing urban sprawl.
Additional residential uses in this area will be consistent with the adjacent residential property to the east.

Policy LU1.5: Buffer commercial and industrial land uses when they abut residential development.

The property to the east is zoned as Residential 7 and there is a single family home on that lot. Visual buffering requirements in Ch. 17.28 SWMC (Industrial Zone) require significant buffering – in the form of walls, landscaping and/or earthberms – when adjacent to residential land. Any future industrial uses on the subject property will require visual buffering on the east boundary of the property. The required buffering would take a significant amount of land. The change to residential uses in this area will be consistent with the adjacent residential uses and would not require visual buffering.

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.

The public review process required per Chapter 2.90 SWMC for Comprehensive Plan updates, along with the public notification process that was required for this application, encourages community involvement and participation. On July 10, 2020 notice of the July 21 public hearing (Exhibit E) and Notice of Land Use Application were mailed to all residents within 500 feet and owners of property within 500 feet of the subject parcel (P76524). Said notices were also posted along State route 20 on July 10, 2020. Community involvement and participation is encouraged as part of the review for this specific application and the Comprehensive Plan update process. The public comment period for the July 21 hearing ends at 4:30 July 21. However, the public comment period for the Notice of Land Use Application does not end until July 24 at 4:30.

Policy LU16.5: Promote land use patterns and methods of development that will protect the value of sensitive and critical areas, and prevent hazardous conditions.

Residential uses are presumed to be more compatible with adjacent critical areas than industrial uses and residential uses are presumed to be more effective at protecting the value of the adjacent critical area.

Policy LU17.7: Maintain or enhance water quality within the Skagit River and its tributaries.

Residential uses are presumed to be more compatible than industrial uses with adjacent critical areas and residential uses are presumed to be more effective at maintaining and enhancing water quality within the Skagit River.

Policy LU17.8: Under no circumstances should hazardous wastes be allowed to contaminate the groundwater, surface water or sewer systems of the city of Sedro-Woolley. Dispose of hazardous wastes only in landfills designated for that purpose.

Industrial uses are associated with hazardous waste more so than residential uses. Residential uses are presumed to have less potential to contaminate the groundwater, surface water or sewer systems.

Conclusions: Staff finds that the vacant property is the only property designated as Industrial Zone in the area and the surrounding area is not characterized by industrial development.

Hart Slough is just south of the property; there is a 200' fish and wildlife habitat conservation area buffer on Hart Slough that encumbers a portion of the property (a study by a qualified biologist to determine the exact ordinary high water mark of the slough is necessary to definitively know the extent of the buffer onto the subject property). That buffer overlays a significant portion of the property, leaving roughly 14,000 square feet of land that is not within the buffer. The slough is also associated with flooding. FEMA maps indicate that the south portion of the subject lot is in the SFHA. Both industrial development and residential uses – as implied by the proposed Residential 7 zoning – are encumbered by the environmental constraints. However, industrial uses in proximity to Hart Slough are potentially more harmful to the critical area than residential uses. Also, industrial uses typically require larger lots. Residential uses can be accommodated on smaller lots. There is roughly 14,000 square feet of developable area outside the 200' buffer. With that much area available for residential development, the lot can accommodate two single family residences or one duplex building per the R-7 lot size requirements (more units may be possible if unbuildable portions of lots are included in the buffer area, but not many more lots would be possible). A small number of residential units may be more appropriate for this property than an industrial development.

File # RZ-2020-012 is a request to change the zoning designation of a roughly three-acre portion of Parcel P39361 from Mixed Commercial to Residential 5 (R-5). A close-up of the zoning map in the area is shown in Figure 5. The rezone application (Exhibit G) was received and determined complete on January 16, 2020. A SEPA Checklist was submitted with the application materials; a SEPA determination using that document will be issued by the Planning Department for the entire 2020 Docket.

The property is located at the southwest corner of the intersection of Portobello Avenue and North Fruitdale Road (see Figure 1 and Figure 5). The area zoned as Mixed Commercial is part of a larger 23.9 total acre parcel (Assessor’s Parcel P39361). The Mixed Commercial area covers roughly the clubhouse and part of the driving range area at the golf course. This portion of land was zoned Mixed Commercial many years ago, presumably as a possible location for a small commercial node to serve the adjacent Sauk Mountain View Estates subdivision. The area zoned Mixed Commercial is bound to the south roughly by the location of a Cascade Natural Gas easement, to the west by the unnamed creek (tributary to Brickyard Creek), to the east by North Fruitdale Road and the north by Portobello Avenue. The 75’ wide CNG easement is for a regional gas transmission line; that easement appears to be partially on the area currently zoned MC. It is not exactly clear how much of the rezone area is encumbered by that easement.

The zoning to the north, south and west is R-5. The property to the east, across North Fruitdale Road, is outside of city limits and part of the Northern State Recreation Area. It is owned by Skagit County and zoned Urban Reserve Public-Open Space per the Skagit County zoning map.

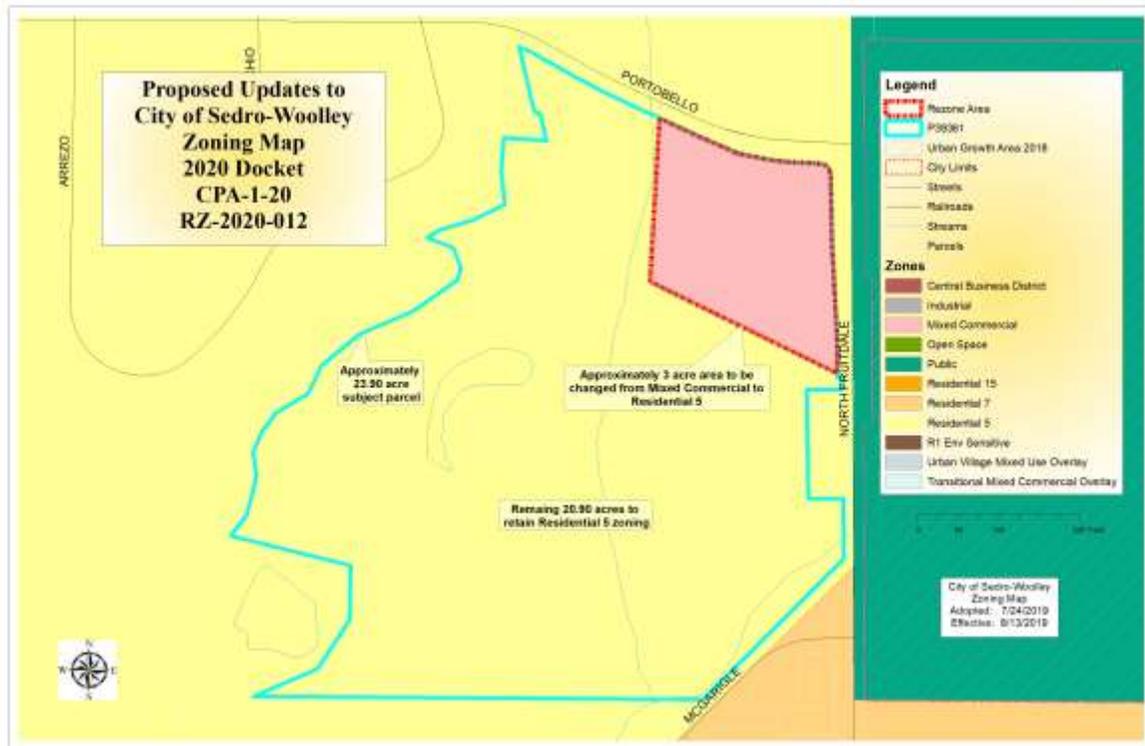


Figure 5 – Zoning map in the area of Ruby Rezone Request RZ 2020-012

Two watercourses run across parcel P39361. Brickyard Creek runs roughly east to west across the south of the parcel. An unnamed creek, a tributary of Brickyard Creek, runs north to south across the parcel. The unnamed creek is roughly the western boundary of the MC zoned area. Both of these watercourses are fish-bearing (Type 3) according to the Washington State Department of Natural Resources. The creeks are subject to Chapter 17.65 SWMC, but are not subject to the Sedro-Woolley Shoreline Master Program.

The owner of the property is Granite Holdings, LLC. Mr. Robert Ruby is the representative of the LLC. Granite Holdings, LLC also owns two additional parcels adjacent to P39361 and is pursuing a residential land subdivision of the three properties. The rezone would allow the area currently zoned Mixed Commercial to be developed into residential housing per zoning code regulations in the same manner that Granite Holdings, LLC intends to develop the rest of their adjacent property.

When considering the development potential of the area, one must consider the critical areas and transmission easements mentioned previously. Per Chapter 17.65 SWMC, Type 3 fish-bearing creeks require a 110' fish and wildlife habitat conservation area buffer on each side of the stream's ordinary high water mark. Chapter 17.65 SWMC allows for the buffer to be reduced to not less than 55' if mitigation is performed in the creek riparian area, so future development may use the standard 110' buffer or the alternate 55' buffer.

The critical area buffer requirements are relevant because land in a critical area or critical area buffer do not count towards the total land area when calculating the allowed residential density for a planned residential development (PRD) on a property. To show how creek buffers may affect the area proposed to be rezoned, Figure 6 shows an aerial image of the area and includes the approximate 110' buffer as well as the possible alternate 55' buffer.



Figure 6 –Ruby rezone request showing 110' and alternate 55' buffer from creeks

The entire area that is proposed to be rezoned is estimated to be just shy of 3 acres. It is difficult to determine the precise maximum number of residential units that may be located on the property once it is rezoned. It is reasonable to estimate that roughly 2 to 2.8 acres are

available after subtracting the critical areas. When calculating density for a PRD in the R-5 zone, 5 units per acre are allowed. Thus, this area might be allowed 10 to 14 units as a stand-alone PRD. If it were combined with the surrounding land as part of a subdivision, more units than that may be possible on this 3 acre area; however the 3-acre area would only contribute 10-14 units towards the allowed density of the larger PRD.

Consistency with Existing Comprehensive Plan

Staff has reviewed the application materials for rezone request RZ 2020-012, reviewed the site conditions and reviewed the request for consistency with the Sedro-Woolley Comprehensive Plan. The following Land Use Element Goals and Policies may support the proposed rezone request.

Goal LU1: To safely accommodate population growth without causing urban sprawl.
Additional residential uses in this area will be consistent with the adjacent residential property to the north, south and west.

Policy LU5.5: Prevent incompatible uses within residential areas.
To an extent, commercial uses are incompatible with the residential zoning. However, the scale of any commercial use on a three-acre parcel would likely have a limited impact on the surrounding residential uses.

Policy LU5.6: Ensure that the community's planning programs reflect basic community values.
If the neighborhood supports the rezone, it can be argued that the rezone reflects the community values.

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.
The public review process required per Chapter 2.90 SWMC for Comprehensive Plan updates, along with the public notification process that was required for this application, encourages community involvement and participation. On July 10, 2020 notice of the July 21 public hearing (Exhibit E) and a Notice of Land Use Application were mailed to all residents within 500 feet and owners of property within 500 feet of the subject parcel (P39361). Said notices were also posted along Portobello Avenue and Fruitdale Road on July 10, 2020. Community involvement and participation is encouraged as part of the review for this specific application and the Comprehensive Plan update process. The public comment period for the July 21 hearing ends at 4:30 July 21. However, the public comment period for the Notice of Land Use Application does not end until July 24 at 4:30.

Conclusions: Staff finds that the surrounding land-uses are characterized as residential and community park.

A tributary to Brickyard Creek borders the area requested to be rezoned and that tributary requires a buffer of 110' (that may mitigated to 55') from the ordinary high water mark. The buffer will affect the development potential of the land whether it is designated Mixed Commercial or Residential 5.

To an extent, commercial uses are incompatible with the residential zoning. However, the scale of any commercial use on a three-acre parcel would likely have a limited impact on the surrounding residential uses. The proposed rezone is approximately 2.95 acres in size. After subtracting critical areas buffers from that acreage, roughly 2 to 2.8 acres may be counted towards residential density calculations for any future PRD applications on the property. Thus, if the area was zoned Residential 5, it would contribute between 10 and 14 new units to a residential subdivision. Public comments are important to help understand the merits of this request. The public hearing comment period is advertised to close at 4:30 PM on July 21, 2020. However, the public comment period for the Notice of Land Use Application does not end until 4:30 on July 24, 2020. The Planning Commission may hold the public comment period for the public hearing open until a later date and time if more input is desired. One public comment has been received as of July 16, 2020 (Exhibit H).

RECOMMENDATION

Hold a public hearing to receive input about the two rezone proposals. After receiving input from the public, the Planning Commission may discuss each file number, but the PC may not make recommendations until the August 18, 2020 PC meeting. Because the public hearing is held virtually, it is recommended that the public hearing comment period be held open until June 24 at 4:30 PM in order to accommodate participants that were unable to successfully use the Zoom Webinar program. In addition, the Notice of Application for each proposal is open until July 24 at 4:30. No further public hearings are required, but the PC may elect to ask for further hearings of regular PC meetings to review the proposals if necessary.

File# RZ-2020-010 – The Planning Department recommends that the PC hold the public hearing open until at least June 24 at 4:30 PM and review the Quam rezone proposal further at the August 18, 2020 PC meeting. The PC may make a recommendation at the August meeting.

File# RZ-2020-012 – Public comments are valuable in this case. The Planning Department recommends that the PC hold the public hearing open until at least June 24 at 4:30 PM. After the PC considers public comments carefully at this hearing and the August 18, 2020 PC meeting, the PC may make a motion that the City Council to either approve or deny the requested amendments to the Comprehensive Plan and Zoning Maps.

EXHIBITS:

- A. Residential 7 (R-7) zoning regulations
- B. Industrial zoning regulations
- C. Residential 5 (R-5) zoning regulations
- D. Mixed Commercial (MC) zoning regulations
- E. Notice of Public Hearing Published in the Skagit Valley Herald July 10, 2020
- F. RZ-2020-010 Quam Application form
- G. RZ-2020-012 Ruby Application form
- H. Public comments received prior to July 16, 2020

EXHIBIT A

Chapter 17.12 SWMC

RESIDENTIAL 7 (R-7) ZONE

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.

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 [17.12](#), which meet the following requirements, in addition to any other requirements imposed by ordinance:
 - i. 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;
 - ii. Provide off-street parking for four vehicles;
 - iii. 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;
 - iv. 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.

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.

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.

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.

17.12.040 Maximum density requirements.

The maximum gross density requirement in the R-7 zone is seven units per acre.

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.

EXHIBIT B

Chapter 17.28 SWMC INDUSTRIAL ZONE

17.28.005 Intent.

The intent of the industrial zone is to provide appropriately located areas for manufacturing, warehousing, distribution, and office uses to enhance the city's economic base in a manner that minimizes impacts to surrounding nonindustrial zones. The standards recognize the market preferences and construction techniques characteristic of this type of use. Commercial, retail, and residential uses are permitted at a limited scale so as to preserve the majority of land in this category for industrial and business uses.

17.28.010 Use restrictions.

Use restrictions in the industrial (I) zone shall be as follows:

A. Permitted Uses.

1. Office parks, medical services, wholesaling, and light manufacturing and processing;
2. Industrial equipment, supplies, services, including storage;
3. Agricultural processing;
4. Parking lots serving any use;
5. Trade schools, warehouses, storage, utilities other than wireless communications facilities, government services;
6. Limited retail and service uses up to five percent of the total site;
7. Live-work units as a transition between industrial and residential;
8. On-site day care serving a specified permitted use;
9. On-site recreational facilities serving a specified permitted use;
10. Adult entertainment establishments, as herein defined; provided, that no adult entertainment establishment shall be located nearer than seven hundred fifty feet from any other adult entertainment establishment; and provided further, that no adult entertainment establishment shall be located nearer than seven hundred fifty feet from any residential zone, seven hundred fifty feet from any school, public or private, seven hundred fifty feet from any church, and seven hundred fifty feet from any park. Distances as provided in this subsection shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the proposed use is to be located to the nearest point of the parcel property of the land use from which the proposed use is to be separated.

B. Conditional Industrial Uses.

1. Vehicle wrecking yards, vehicle impound lots;
2. Power generation facilities;
3. Airports, heliports;
4. Prisons;
5. Incinerators;

6. Animal slaughtering and meat packing, food processing;
 7. Wireless communication facilities;
 8. On-site hazardous waste treatment and storage facilities as accessory to a permitted or conditional use are allowed as a conditional use; provided, such facilities comply with the state hazardous waste citing standards and Sedro-Woolley and State Environmental Policy Act requirements;
 9. Garbage and/or recycling transfer stations or sorting facilities;
 10. Composting facilities;
 11. All uses not permitted above or otherwise prohibited.
- C. Prohibited Uses. Residential uses other than those that are ancillary to an industrial use listed above.

17.28.020 Bulk restrictions.

A. Minimum Setbacks to Adjacent Zones.

1. Setbacks to Residential (R-5, R-7 and R-15) Zones. Front setbacks shall be a minimum of twenty feet. Side setbacks shall be a minimum of thirty feet. Rear setbacks shall be a minimum of thirty feet.
2. Setbacks to All Other Zones. Front setbacks on an arterial street shall be a minimum of twenty feet. Side setbacks shall be a minimum of twenty feet. Rear setbacks shall be a minimum of twenty feet.
3. Setbacks to the Industrial Zone. Buildings shall maintain a minimum ten-foot setback to all lot lines when adjacent to other properties zoned industrial.

B. Maximum building height: thirty-five feet. A variance to the maximum building height may be granted as set forth in Chapter 17.60.

Exception: sixty feet, if minimum side and rear setbacks required in subsection A of this section are doubled.

17.28.030 Minimum lot size requirements.

There is no categorical minimum lot size for industrial 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 proceedings.

17.28.040 Screening requirements.

A six-foot-tall totally sight-obscuring fence, wall or other screen of equal effectiveness shall be maintained around all industrial storage and activity areas where adjacent to or across a public right-of-way from any other zone. The planning director may waive the screening requirement in a case where a permanent feature (such as an elevated railroad grade) that meets the screening requirements exists between the project and adjacent property. The screening requirements in Section 17.50.120 shall also apply. In the case of conflict between screening requirements, the higher standards shall apply.

17.28.050 General regulations on uses and property.

The following provisions shall apply to all new and expanded uses within this zone when located adjacent to a residential zoned district:

- A. There shall be no unusual fire, explosion, or safety hazards;
- B. Sound levels are not to exceed levels established by noise control regulations of the Department of Labor and Industries. Maximum permissible environmental noise levels are not to exceed the levels of the environmental designations for noise abatement (EDNA) as established by the state of Washington, Department of Ecology (WAC 173-60-040);
- C. Pollution standards set by regional, state, or federal pollution control commissions or boards shall apply to all uses;
- D. There shall be no production of heat, glare, or vibration perceptible from any property line of the premises upon which such heat, glare, or vibration is being generated;
- E. If less intense uses are proposed, they shall be located adjacent to the residential zoning to lessen the impacts of the industrial activity. Uses such as live/work units, parking areas, office buildings, stormwater facilities and open spaces should be used as a transition between industrial and residential zoning.

17.28.060 Design review.

All developments in this zone which are subject to environmental review shall comply with the design review standards of Chapter 15.44 for conformance with this and other provisions of the city code.

EXHIBIT C

Chapter 17.08 SWMC RESIDENTIAL 5 (R-5) ZONE

17.08.005 Intent.

The intent of the R-5 zone is to provide a variety of housing opportunities in parts of the city characterized by more rolling terrain or areas that serve as a transition to the unincorporated rural area.

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.

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.

17.08.020 Bulk restrictions.

Bulk restrictions in the residential R-5 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 a 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;
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.

17.08.030 Minimum lot size requirements.

Minimum lot size requirements in the residential R-5 zone shall be as follows:

A. Lot area: eight thousand four hundred square feet;

B. Lot width at building line: forty feet;

C. Lot frontage on a public street, approved private street, or approved easement: 20 feet.

17.08.040 Maximum density requirements.

The maximum gross density requirement in the R-5 zone is five units per acre.

17.08.050 Maximum lot coverage.

Maximum lot coverage requirements in the residential R-5 zone shall be as follows:

A. Thirty-five percent;

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.

EXHIBIT D

Chapter 17.20 SWMC MIXED COMMERCIAL (MC) ZONE

17.20.005 Intent.

The intent of this zone is to encourage a compatible mix of commercial and residential development. Standards are intended to present an attractive and welcoming appearance to visitors at the entrances to the city and at selected nodes along major roads; manage traffic impacts; encourage more non-motorized trips and reduce stormwater runoff. Commercial development should be scaled down when adjacent to residential areas to improve compatibility between uses.

17.20.010 Use restrictions.

Use restrictions in the mixed commercial (MC) zone shall be as follows:

A. Permitted Uses.

1. Retail, general services, recreational and cultural uses, light manufacturing, low-intensity agriculture;
2. Residential units contained above the first story of a commercial building (live/work units are specifically included), limited to eight such units per building;
3. *Repealed by Ord. 1709-11;*
4. Public utilities, other than wireless communications facilities;
5. Health facilities and services.

B. Conditional Uses.

1. Quasi-public uses.
2. Wireless communications facilities.
3. Public uses.
4. All other uses not otherwise prohibited.

C. Prohibited Uses. All uses not allowed as permitted or conditional uses are prohibited. Adult entertainment is a prohibited use in this zone.

17.20.020 Bulk restrictions.

A. Minimum setbacks to adjacent zones:

1. Setbacks to residential (R-5, R-7 and R-15) zones: front setbacks on an arterial street shall be a minimum of twenty feet. On a nonarterial street, front setbacks shall be a minimum of ten feet. Side setbacks shall be a minimum of thirty-five feet, which may be reduced to twenty feet if building step-backs as required by the design standards and guidelines are incorporated into the site design pursuant to Chapter 15.44. Rear setbacks shall be a minimum of twenty feet.
2. Setbacks to all other zones: front setbacks on an arterial street shall be a minimum of twenty feet. On a nonarterial street, front setbacks shall be a minimum of ten feet. Side setbacks shall be a minimum of twenty feet. Rear setbacks shall be a minimum of 20 feet.
3. Setbacks to the MC zone: buildings shall maintain a minimum ten-foot setback to all lot lines when adjacent to other properties zoned MC.

B. Maximum building height: thirty-five feet.

Exception: sixty feet, if minimum side and rear setbacks required in subsection A of this section are doubled.

17.20.030 Minimum lot size requirements.

A. Lot area: 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.

B. Lot frontage on a public street or private street: twenty feet.

17.20.040 Hazardous waste.

On-site hazardous waste treatment and storage facilities as accessory to a permitted or conditional use are allowed a conditional use; provided, such facilities comply with the state hazardous waste citing standards and Sedro-Woolley and State Environmental Policy Act requirements.

17.20.050 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.

17.20.060 Parking for residential uses in the MC zone.

The parking requirements for residential uses in the MC 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

Parking spaces counted for residential use shall not also be counted towards non-residential parking requirements of SWMC Ch. 17.36 for this zone.

EXHIBIT E

NOTICE OF PUBLIC HEARINGS CITY OF SEDRO-WOOLLEY Amendments to Comprehensive Plan and Zoning Map Virtual Online Meeting via Zoom Webinar

The City of Sedro-Woolley Planning Commission will hold public hearings on **July 21, 2020 at 6:30 PM**, via Zoom Webinar, to hear testimony regarding following proposed amendments to the City Comprehensive Plan and Development Regulations:

Possible amendments to the Capital Facilities Element of the Comprehensive Plan, the Comprehensive Land Use map and the Zoning map:

1. 2020 Sewer Comprehensive Plan update
2. Rezone request # 2020-010 – Quam – request to change zoning designation of one roughly 2.5 acre parcel from Industrial to Residential 7
3. Rezone request # 2020-012 – Ruby – request to change the zoning designation of roughly 3 acres of land from Mixed Commercial to Residential 5

Interested parties can comment on the proposed changes in writing or at the hearing. **Written comments must be received by 4:30 PM July 21, 2020** to be considered at this 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 kweir@ci.sedro-woolley.wa.us.

Please use the link below to join the webinar:

<https://zoom.us/j/97890927920?pwd=azBTUUlubGgyM2xmRGszNmK4RURKdz09>

Password: 937994

Or iPhone one-tap :

US: +12532158782,,97890927920#,,1#,937994# or
+13462487799,,97890927920#,,1#,937994#

Or Telephone:

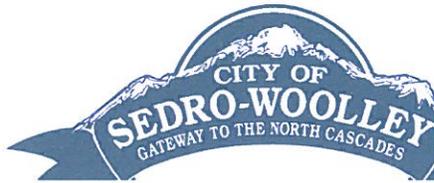
Dial(for higher quality, dial a number based on your current location):

US: +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

Webinar ID: 978 9092 7920

Password: 937994

Published in the Skagit Valley Herald: July 10, 2020



CITY OF SEDRO-WOOLLEY
Planning Department
325 Metcalf Street
Sedro-Woolley, WA 98284
Phone (360) 855-0771 Fax (360) 855-0733

EXHIBIT F
to 2020 Docket staff Report

Application for Comprehensive Plan / Zoning Map Amendment

- Text Amendment
 Map Amendment
(Check all that apply)

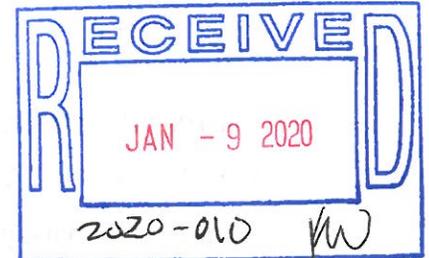
Note: This application is available as a Word document. Include additional information as necessary on additional sheets of paper and attach to this application.

Name: Richard E. Quam

Address: 1325 Pinto Lane, Sedro-Woolley WA 98284

Phone: 360 856 0491

E-mail: RJBQ@frontier.com



1. Describe the purpose or goal of the proposed amendment:

Rezone parcel 76524 from Industrial to Residential (R7)

Critical area buffer of 200 feet along Harts Slough would reduce useable area to approximately ¼ acre. For the parcel to be used for industrial purposes would require improved access road and improved BNSF railroad crossing along with sewer and water line under SR 20 and BNSF railroad.

2. How will this improve or benefit the City of Sedro-Woolley in the future?

Rezoning from Industrial to Residential will provide the City with a more balanced comprehensive plan by eliminating a small isolated parcel not suitable for industrial uses.

FOR TEXT AMENDMENTS ONLY:

1. What section(s) of the Comprehensive Plan will the proposed amendment affect?

N/A _____

2. What section(s) of the S-W Municipal Code will the proposed amendment affect?

N/A _____

3. List the proposed or amended text:

N/A _____

FOR LAND USE MAP AMENDMENTS ONLY:

1. Name and address of property owner. If applicant is not the owner, attach a signed statement from the legal owner agreeing to this application:

Richard E Quam & Janet I Quam 1325 Pinto Lane Sedro-Woolley WA 98284

2. Legal description of property(s):

Lot 10, "MAP OF ACREAGE PROPERTY IN NORTH ½ OF NORTHWEST ¼ AND LOT 1, SEC. 26, TWP. 35 N., R 4 E., JAMESON'S ACREAGE," as per plat recorded in Volume 3 of Plats, page 20, records of Skagit County, Washington.

EXCEPT that portion conveyed to Skagit County for road purposes by deed dated December 29, 1909, recorded January 10, 1910 in Volume 65 of Deed, page 200.

3. Describe the property: size, terrain, and critical areas:

2.0 acres. Land is flat except for a steep slope to Harts Slough on the south and northwest sides. The bottom of the slope is subject to flooding by Harts Slough during high water.

4. Current land use designation/zoning: Industrial

5. Land use designation/zoning for property surrounding the subject property:

North (across SR20): Mixed Commercial

South: County Zoned Ag-NRL

East: Residential (R-7)

6. Actual use of land on this site and on all the surrounding property:
The land on this site is currently unused pasture.
East: Household, SFR, inside city
North (across SR20): Institutional lodging; Household, SFR, inside city
South: Forest
7. Proposed designation: Residential (R-7)
8. Supporting information for your request: Critical area buffer of 200 feet along Harts Slough would reduce useable area to approximately ¼ acre. For the parcel to be used for industrial purposes would require improved access road and improved BNSF railroad crossing along with sewer and water line under SR 20 and BNSF railroad.
-
9. If this is a request to include property in the City of Sedro-Woolley UGA, please address how including the property meets the Skagit County population projections for Sedro-Woolley and demonstrate that the increase in developable land meets the goals and policies of both the city's and county's comprehensive plans. A land capacity analysis may be required.

While this request pertains to property within the City of Sedro-Woolley UGA, the size of the property and its proximity to Harts Slough will be the determining factors. The required critical area 200-foot buffer for Harts Slough will reduce the useable land area to approximately ¼ acre. Thus, this request will have minimal impact on the population projections of Sedro-Woolley and any increase in developable land.

- X Completed SEPA Checklist.
- X Names and addresses of property owners and residents within 500' of the subject property. See the attached mailing procedures for instructions.
- X Assessor's 18 X 24" section map of property with subject property highlighted. Other maps may be submitted that help support your proposal.

Process:

1. Applications will be accepted through **January 17, 2020**.
2. Applications will be reviewed for completeness. Additional information may be necessary to clarify the application.
3. The Planning Commission reviews all applications and decides which ones merit further study. Applicants will be notified of results of this review. Those which will be reviewed further will be required to pay the **application fee of \$500.00**. Applicant will be billed applicable SEPA fees and for public notice costs, which include publication costs.
4. The applicant is required to post a public notice sign on their property for rezone applications. Please see the attached Affidavit of Posting for instructions.
5. A public hearing will be held by the Planning Commission on the proposed amendments.
6. The Planning Commission will forward its recommendations on each application to the City Council.
7. The City Council will review the Planning Commission's recommendation and vote on each application (the Council may have additional public hearings, or hold joint public hearings with Planning Commission)
8. This process may take up to a year, or longer to fully complete.

Richard E. Quam Janet L. Quam
Applicant

January 9, 2020 January 9, 2020
Date

City of Sedro-Woolley

Notice of Application Period for Comprehensive Plan Amendments

The City of Sedro-Woolley is accepting applications for Comprehensive Plan amendments through January 17, 2020. Applications received on or before this date will be considered for inclusion on the 2020 Docket. Proposed amendments may be to the City Zoning/Land Use map, the text of the Comprehensive Plan or to development regulations.

Application forms are available at City Hall, 325 Metcalf St., during regular business hours, 8:00 AM to 5:00 PM. For additional information, contact the Planning Director at (360) 855-0771.

Date of notice: November 20, 2019

To be published in the Skagit Valley Herald: December 6, 2019 and January 3, 2020

City of Sedro-Woolley
Certificate of Ownership

^{we} I, Richard E Quam & Janet J Quam, hereby certify under penalty of perjury, that I am the major property owner or officer of the corporation owning property described in the attached application, that I have familiarized myself with the rules and regulations of Sedro-Woolley with respect to filing this application, and the statements, answers and information submitted presents the arguments on behalf of this application are in all respects true and correct to the best of my knowledge and belief.

Street address: 1325 Pinto Lane

City, State, Zip: Sedro-Woolley WA 98284

Phone: (360) 856-0491

Signature(s):

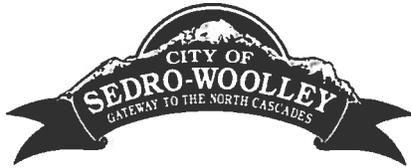
Richard E Quam

Janet J. Quam

For:

(Corporation or company name, if applicable)

Dated this 9 day of January, 2020.



CITY OF SEDRO-WOOLLEY
Planning Department
325 Metcalf Street
Sedro-Woolley, WA 98284
Phone (360) 855-0771 Fax (360) 855-0733

EXHIBIT G
to 2020 Docket staff Report

Application for Comprehensive Plan / Zoning Map Amendment

- Text Amendment
 Map Amendment
(Check all that apply)

Note: This application is available as a Word document. Include additional information as necessary on additional sheets of paper and attach to this application.

Name: Mr. Bob Ruby, Granite Holdings, LLC

Address: 901 Metcalf #34, Sedro-Woolley, WA 98284

Phone: 360.708.2369 E-mail: bobruby8@hotmail.com

1. Describe the purpose or goal of the proposed amendment:

It is proposed to re-zone an existing "Mixed Commercial" area to match the surrounding zone of R-5.

2. How will this improve or benefit the City of Sedro-Woolley in the future?

The rezone will closely match the existing surrounding zoning of the area. There is no benefit or disadvantage to the rezone and its affect on the City.

FOR TEXT AMENDMENTS ONLY:

1. What section(s) of the Comprehensive Plan will the proposed amendment affect?

2. What section(s) of the S-W Municipal Code will the proposed amendment affect?

9. If this is a request to include property in the City of Sedro-Woolley UGA, please address how including the property meets the Skagit County population projections for Sedro-Woolley and demonstrate that the increase in developable land meets the goals and policies of both the city's and county's comprehensive plans. A land capacity analysis may be required.

- Completed SEPA Checklist.
- Names and addresses of property owners and residents within 500' of the subject property. See the attached mailing procedures for instructions.
- Assessor's 18 X 24" section map of property with subject property highlighted. Other maps may be submitted that help support your proposal.

Process:

1. Applications will be accepted through **January 17, 2020**.
2. Applications will be reviewed for completeness. Additional information may be necessary to clarify the application.
3. The Planning Commission reviews all applications and decides which ones merit further study. Applicants will be notified of results of this review. Those which will be reviewed further will be required to pay the **application fee of \$500.00**. Applicant will be billed applicable SEPA fees and for public notice costs, which include publication costs.
4. The applicant is required to post a public notice sign on their property for rezone applications. Please see the attached Affidavit of Posting for instructions.
5. A public hearing will be held by the Planning Commission on the proposed amendments.
6. The Planning Commission will forward its recommendations on each application to the City Council.
7. The City Council will review the Planning Commission's recommendation and vote on each application (the Council may have additional public hearings, or hold joint public hearings with Planning Commission)
8. This process may take up to a year, or longer to fully complete.

Applicant

Date

1/13/20

City of Sedro-Woolley

Notice of Application Period for Comprehensive Plan Amendments

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Date of notice: November 20, 2019

To be published in the Skagit Valley Herald: December 6, 2019 and January 3, 2020

City of Sedro-Woolley
Certificate of Ownership

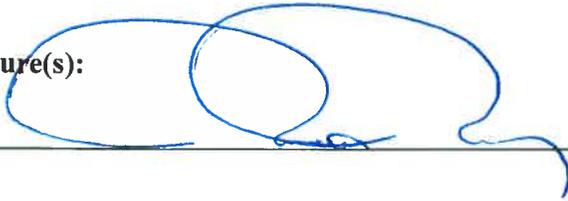
I, Robert H. Ruby, hereby certify under penalty of perjury, that I am the major property owner or officer of the corporation owning property described in the attached application, that I have familiarized myself with the rules and regulations of Sedro-Woolley with respect to filing this application, and the statements, answers and information submitted presents the arguments on behalf of this application are in all respects true and correct to the best of my knowledge and belief.

Street address: 901 Metcalf St #34

City, State, Zip: Sedro Woolley, WA 98284

Phone: (360) 856-4641

Signature(s):

 member

For:

Granite Holdings, LLC
(Corporation or company name, if applicable)

Dated this 13 day of Jan, 2020.

Received via Email
7/13/2020
File #RZ-2020-012

Mrs. Weir,

Good evening! I received a copy of the Development Application for the golf course at Fruitdale and Portobello. Unfortunately, I will be working on CoVid response the date of the public hearing. I would like to request a record of the meeting, if possible, for the Sauk Mountain View Estates North HOA, and would specifically like to know if these properties will be required to be a part of (one of) the existing HOA's, or if they will become a separate one of their own.

If there is anything I can do to be of assistance, please let me know.

Thank you,
Doug Hartfield, HOA President
Sauk Mountain View Estates North HOA.

EXHIBIT H
to 2020 Docket staff Report