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## **MEMO:**

**To:** Sedro-Woolley Planning Commission

**From:** John Coleman, AICP  
Planning Director

**Date:** November 16, 2021

**Subject:** CPA-1-21 – Zoning Map and Comprehensive Plan Map Amendments – 2021 Docket

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## **ISSUE**

At its March 10, 2021 meeting, the City Council made a motion to include two rezone requests from two separate property owners on the 2021 Comprehensive Plan Docket. The first is a request from Bob Ruby to change the zoning designation of roughly 3 acres of land at the Gateway Golf Course from Mixed Commercial to Residential 5 (File # 2020-012). The request – referred to as the Ruby Rezone Request – is a hold-over from the 2020 Docket. The Planning Commission made a recommendation on this request last year, but the Council did not accept the recommendation and asked the Planning Commission to further review the request as part of the 2021 Docket. The second rezone request is from Sarah and Laura Bucko. The request – referred to as the Bucko Rezone Request – is to change the zoning designation of two parcels, totaling roughly 5.21 acres, from Mixed Commercial to Residential 15 (File # 2021-038).

## **BACKGROUND**

This is the third review in 2021 of the two rezone requests – the locations of which are shown in Figure 1. Each request is discussed separately below. The first review occurred on September 21, 2021. That meeting was just an introduction to the properties in the two rezones. A public hearing was then held on October 19, 2021 for the rezone requests. Public comments were heard at the October 19 meeting, but no recommendations were made the Planning Commission. The Planning Commission is holding a second public hearing at tonight's meeting.

Application # RZ 2020-012 Ruby Rezone – 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 2. The rezone application (Exhibit E) was received and determined complete on January 16, 2020 and the application was processed as part of the 2020 Docket. The PC reviewed the application at two regular meetings and two public hearings. After the second public hearing (September 15, 2020), the PC voted 3-2 to make a recommendation to approve the zoning change. When the City Council discussed the Planning Commission Findings of Fact and Recommendation at the December 9, 2020 meeting, the Council was concerned that the Ruby Rezone was not ready for their consideration. The Council removed the item from the 2020 Docket and asked that the Planning Commission review the application again as part of the 2021 Docket. The Planning Commission held a public hearing on October 19, 2021 and is holding a second public hearing November 16, 2021.

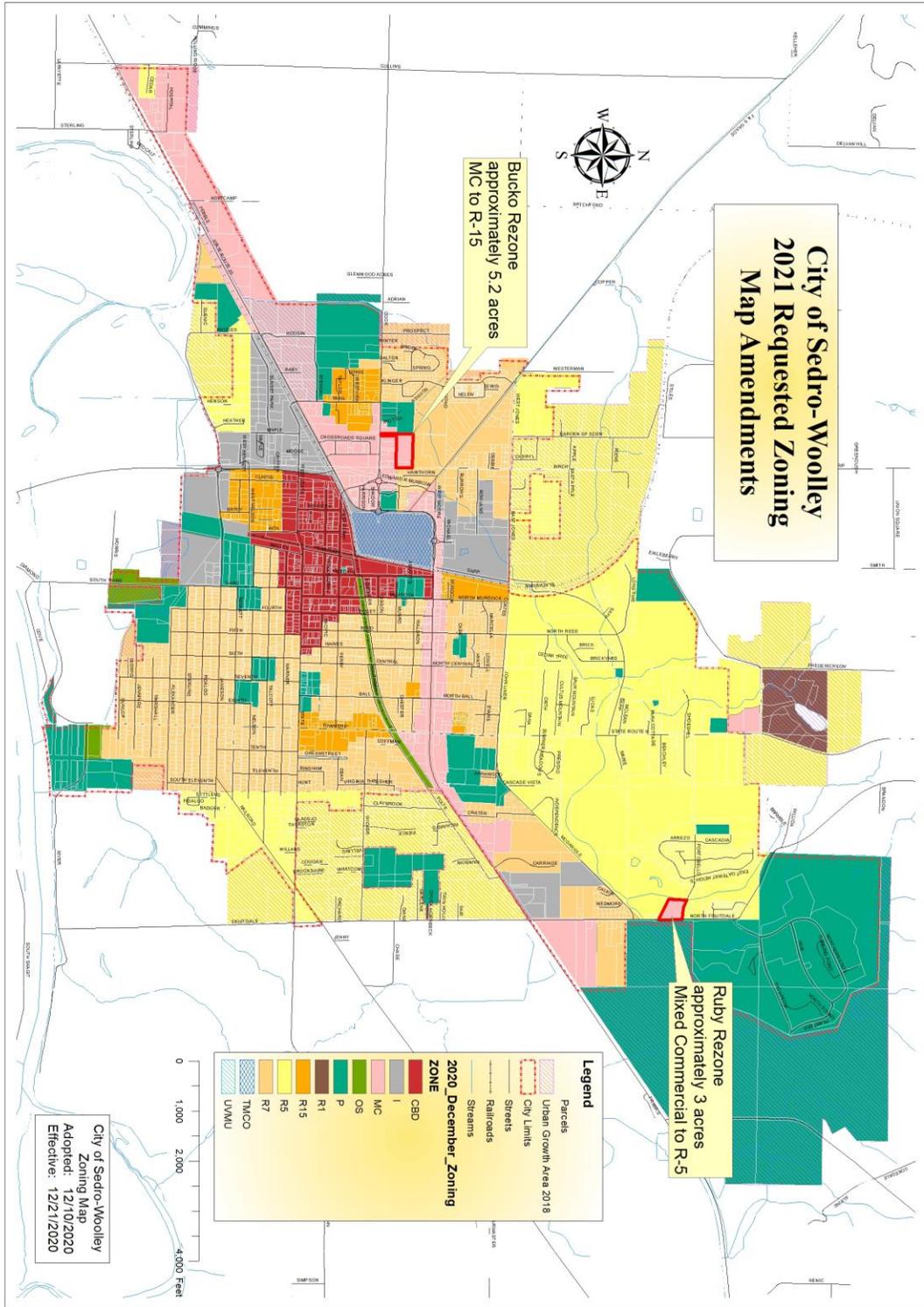


Figure 1 – Location in city of two rezone requests

The property is located at the southwest corner of the intersection of Portobello Avenue and North Fruitdale Road (see Figure 1 and Figure 2). 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 (CNG) 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.

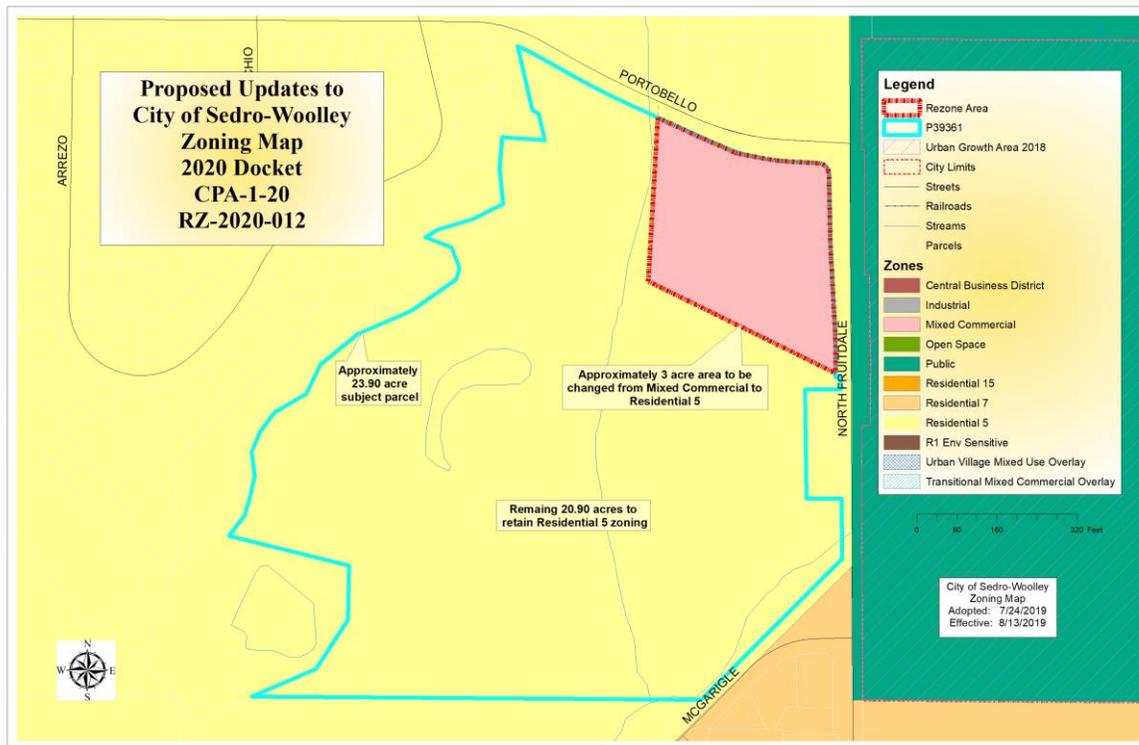


Figure 2 – Zoning map in the area of Ruby Rezone Request RZ-2020-012

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.

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.

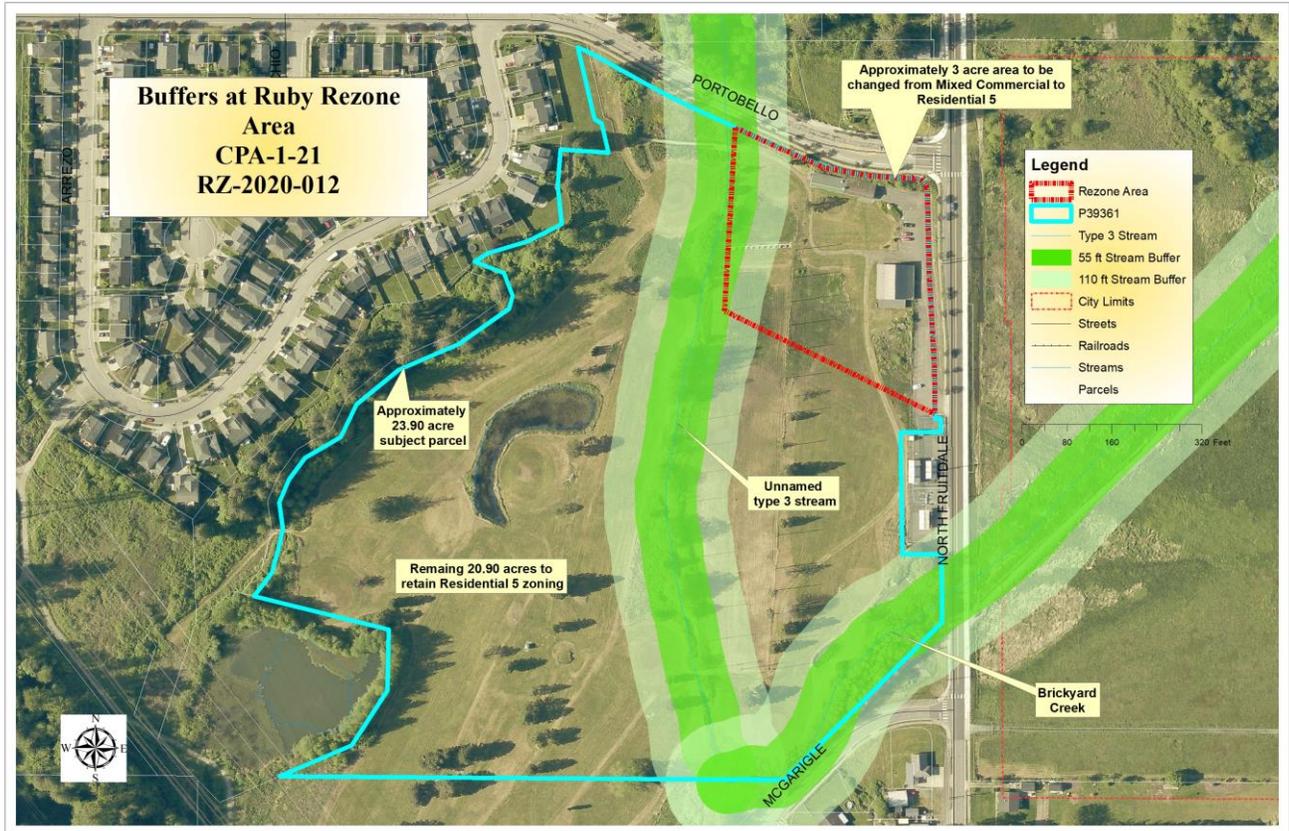


Figure 3 – Ruby Rezone area – Aerial photo showing rezone area and creeks

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 no 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 3 shows an aerial image of the area and includes the approximate 110' buffer as well as the possible alternate 55' buffer.

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.

The Land Use Element of the Comprehensive Plan identifies that there are 267 acres of Mixed Commercial Land in the city. In 2016, when the city performed its periodic Comprehensive Plan update, the amount of commercial and residential growth was estimated for a 20 year horizon – out to 2036. Based on the County's adopted projections, Sedro-Woolley's urban growth area was carefully sized to accommodate the projected growth. That analysis resulted in the precise amount of Mixed Commercial Land necessary to accommodate the projected commercial growth. It also resulted in the necessary amount of land to accommodate the projected residential growth. Even though the Mixed Commercial zone allows some residential uses above a commercial use, no population was allocated to the Mixed Commercial zone. At the time of the analysis, there had not been significant residential development in the Mixed Commercial zone, so it was not justifiable to allocate any residential population to the zone.

As discussed above, only 2 – 2.8 acres are developable because of critical area buffers and utility easements. However, reducing the amount of Mixed Commercial property may have impacts on the city's ability to accommodate future retail and commercial growth. Conversely, adding additional land for residential development will potentially provide more residential land than necessary according to the buildable lands analysis and Land Use Element.

#### *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.

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 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. On October 8, 2021, notice of the October 19, 2021 public hearing was 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 October 8, 2021. On November 5, 2021, notice of the November 19, 2021 public hearing (Exhibit D) was 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 November 5, 2021.*

Community involvement and participation is encouraged as part of the review for this specific application and the Comprehensive Plan update process. There are no additional public comment periods scheduled for this proposal after the November 16, 2021 public hearing.

Conclusions: Staff finds that the surrounding land-uses are characterized as residential and regional (Skagit County) park.

A tributary to Brickyard Creek borders the area requested to be rezoned and that tributary requires a buffer of 110' (that may be 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. There are concerns about the impacts of the proposal on the balance of commercial and residential land. The proposal will result in a loss of commercial land and create additional residential land that is not accounted for in the city's Land Use Element of the Comprehensive Plan.

The written public comment period is advertised to close at 4:30 PM on November 16, 2021 and the public hearing at the November 16 Planning Commission meeting. Several oral public comments were received at the October 19 hearing. Those comments addressed concerns about the flooding issues known at the golf course. Fish habitat, wetlands and traffic were also mentioned as concerns. No public additional written comments have been received as of November 12, 2021. Several public comments were received as part of the 2020 Comprehensive Plan review of this project, those are included as Exhibit G. The Planning Commission may make a recommendation after deliberating on the information received during the public comment period.

Application # RZ 2021-038 Bucko Rezone – a request to change zoning of two Assessor’s parcels – P37256 and P37151 – from Mixed Commercial to R-15. The two parcels total approximately 5.21 acres. The application form states “the goal of the proposed amendment is to change the zoning of parcel #95618 from mixed commercial to R-15.” The application materials are erroneous – parcel P95618 is a 0.32 acre lot in Mount Vernon. The property requested to be rezoned are parcels P37256 and P37151, which are located just north of Cook Road, west of Edward R Morrow Road. The land only has 40-feet of frontage on Cook Road via a panhandle. The shape and location of the property can be seen in Figures 1 and 4. Access to the vacant property is from Cook Road.

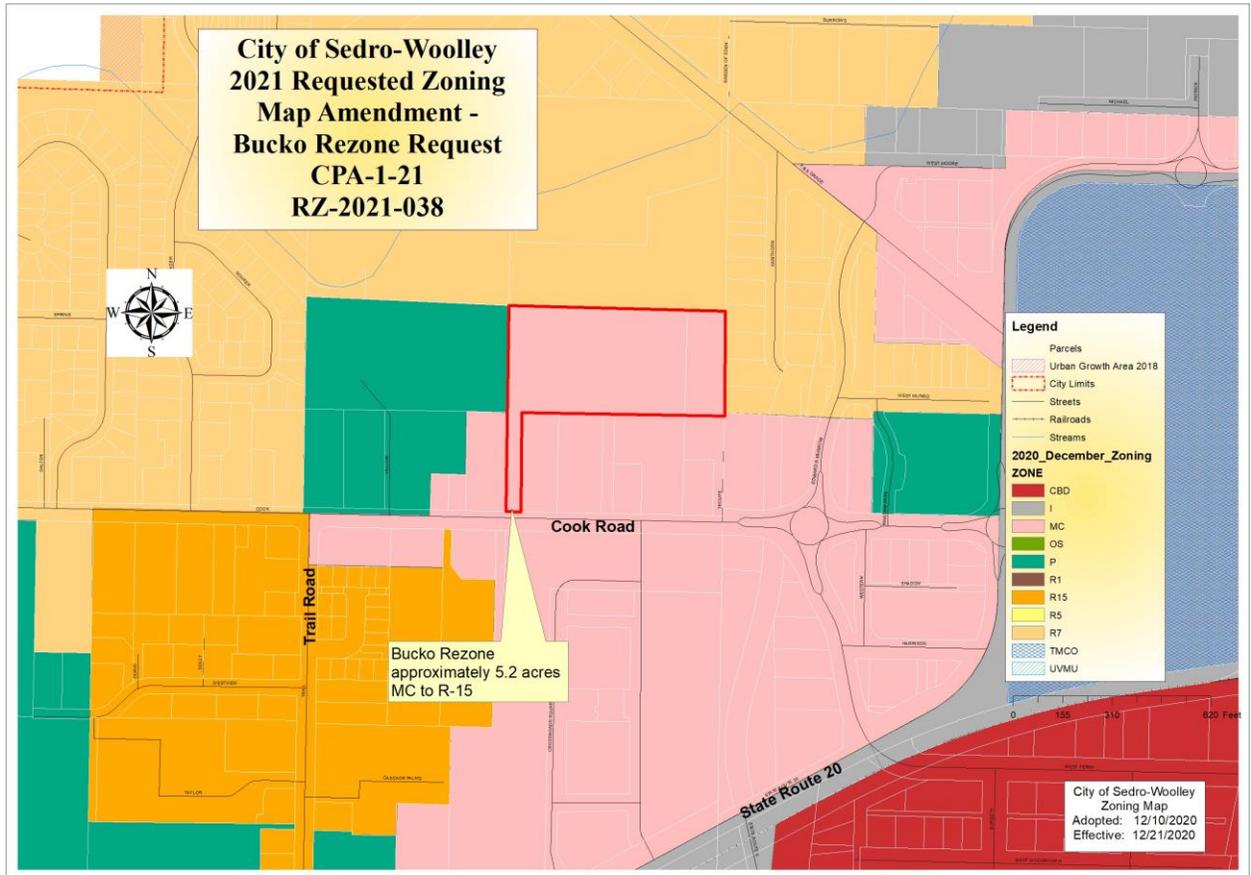


Figure 4 – Zoning map of Bucko Rezone property – Parcels P37256 and P37151

Figure 4 shows the property, its zoning designation and the zoning designations of the surrounding area. The Bucko rezone application (Exhibit F) was received and determined to be complete on January 25, 2021. 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 2021 Docket.

The applicants/owners, Sarah and Laura Bucko, wrote in the applicant that their goal is to change the zoning from MC to R-15 and: “The purpose of this goal is to add much needed affordable housing solutions to Skagit County and the City of Sedro Woolley.” The rezone application and extended answers to the application questions are included in Exhibit F.

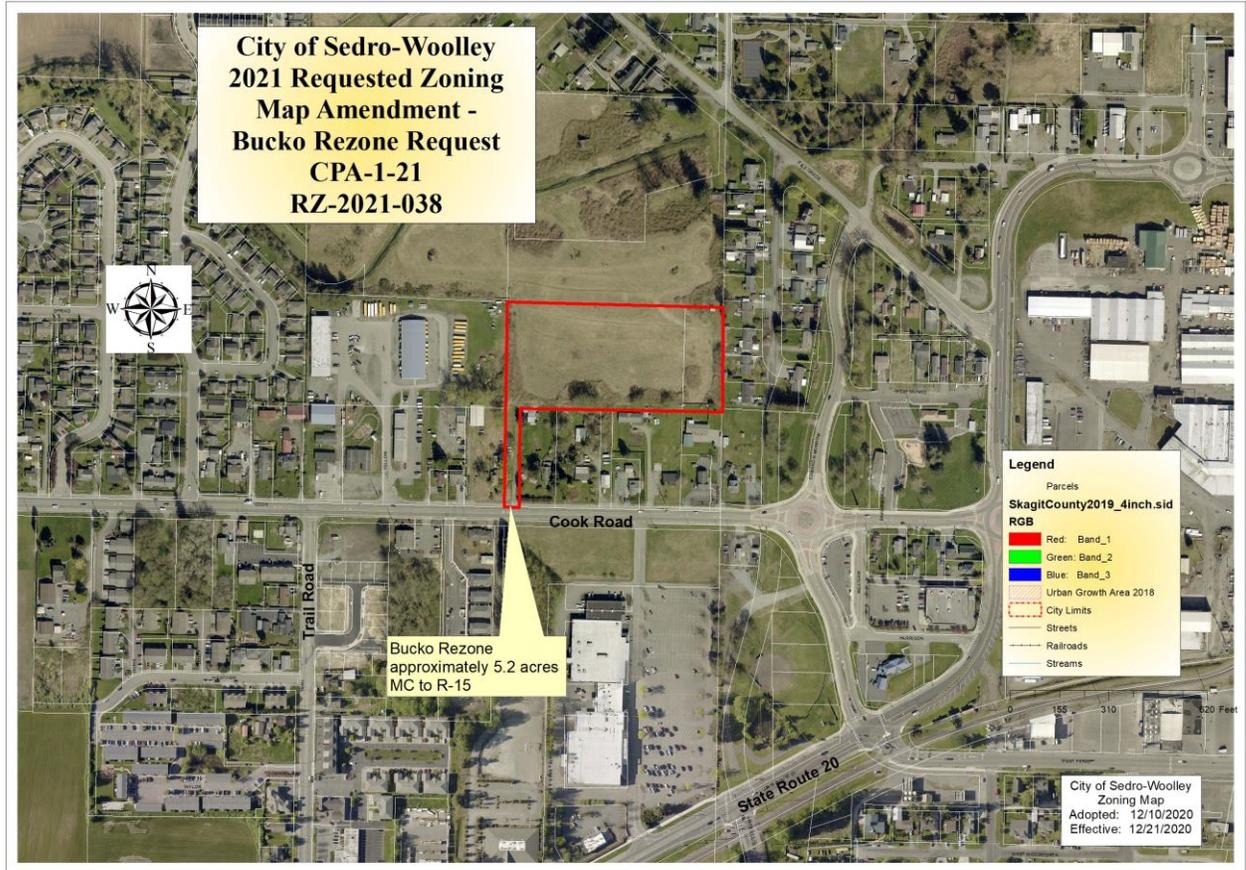


Figure 5 – Bucko Rezone area – Aerial photo

The property to the west of the rezone area is owned by the Sedro-Woolley School District and zoned Public. The School District property is used as the bus staging area. See the aerial map in Figure 5.

As shown in Figure 4, the property to the south of the rezone area is zoned Mixed Commercial. In 2009, the City performed a city-wide rezoning effort. As part of that effort, the city solicited zoning requests. The previous owner of the property (Adolf Bucko) requested that the zoning of his land south of the creek (which includes parcels P37256 and P37151) be changed to Mixed Commercial. The written request from September 8, 2009 – along with a map from the October 20, 2009 city-wide rezone staff report that illustrates the rezone request – is included as Exhibit I. Mr. Bucko also made a similar rezone request as part of the 2007 Comprehensive Plan update cycle. That request was not approved by council in 2007. The second request (2009) was reviewed as part of the aforementioned area-wide rezone action in 2009 and parcels P37256 and P37151 were designated as Mixed Commercial.

Because the properties to the south (that front directly on Cook Road) are not very deep, adding parcels P37256 and P37151 to the MC zone allows for a 9.5 acre development, instead of just a shallow (the front properties are only 300' deep), 4.5 acre development. In an effort to create an area large enough for a large commercial development, parcels P37256 and P37151 were included in the Mixed Commercial zone. The property is designated as Farm and Agriculture land under RCW 84.34.02(2) for taxation purposes (Skagit County AF# 200003140007).

The requested zoning is Residential-15, which allows 15 residential units per acre (see Exhibit C). R-15 properties are typically developed with apartments; however, houses on small lots are also allowed in the R-15. The properties north and east of the rezone area are zoned R-7. Sarah and Laura Bucko also own the property to the north of these parcels. The Buckos have an active 64 lot (68 unit) subdivision application on the 19.6 acres of property to the north. The new subdivision includes access to Cook Road via the western portion of the land subject to the rezone request – including the panhandle that extends to Cook Road. The subdivision request is being processed by the Planning Department and the likely layout will be similar to the image in Figure 6. The Bucko Rezone area is highlighted in yellow on Figure 6 to demonstrate the proximity of the proposed subdivision and the location of the proposed road that will connect to Cook Road.

The new road on the west side of the rezone area will be an arterial street that will eventually connect to F&S Grade Road at the end of the new North Trail Road. Because the new road will be an arterial street, it will convey regional traffic as part of the Jones Road-John Liner Road-Trail Road arterial corridor improvements that the Public Works Department has been constructing in segments over the past several years. Arterials carry larger amounts of traffic than local access streets. The new arterial will give good access to parcels in the rezone area. Those parcels currently do not have good access to major roads, but the pending project will change that situation.

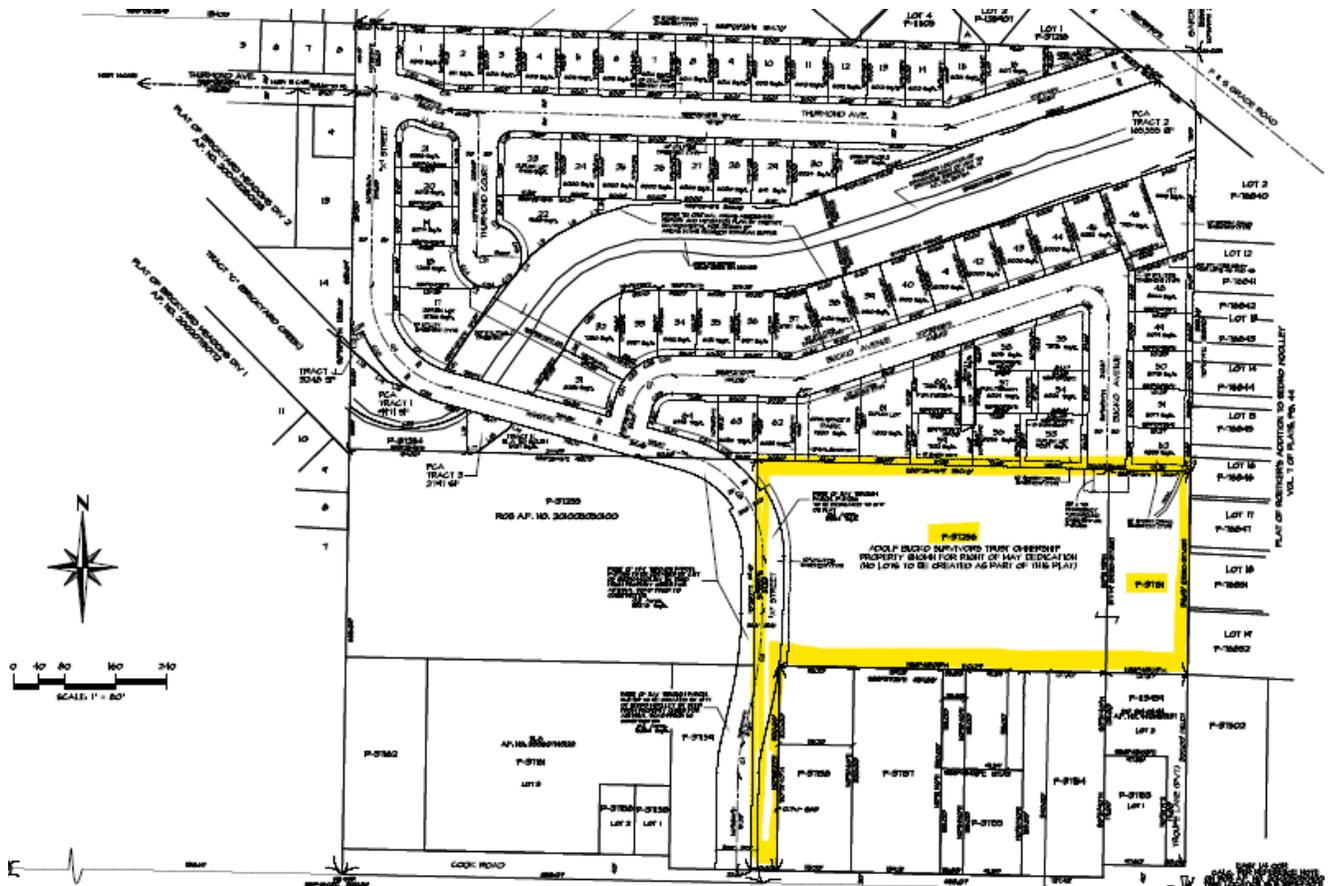


Figure 6 – Propose plat on property north of the Bucko Rezone. Note that the road serving the proposed subdivision occupies a portion of the western part of the land in the Bucko Rezone

In their application materials, the Buckos argue that there is a shortage of housing in the Skagit Valley. This is true, however, there is not a shortage of land in Sedro-Woolley designated for residential uses. The Land Use Element identifies that there are 82 acres of R-15 zoned properties in the city. Roughly 15 of the 82 acres of R-15 properties are undeveloped and several more are underdeveloped. In addition, there are hundreds of undeveloped acres of Residential-5 and Residential-7 properties that are available to accommodate the projected housing needs of the city. Moreover, residential units are allowed in the Mixed Commercial zone if commercial/office space is provided on the lower floor. The Comprehensive Plan goals and policies support commercial/office uses; eliminating land from the Mixed Commercial zone is contrary to the goals and policies of the Comprehensive Plan. It is imperative that the city provide commercial/retail land so the city's residents do not need to drive to neighboring cities for goods and services. The more commercial/retail development that happens in the city, the less dependent the city residents are on regional roads to other cities. Because of the importance of providing commercial/retail opportunities in Sedro-Woolley, the city has even allowed residential uses above commercial/retail uses in the Mixed Commercial as an incentive to encourage commercial/retail development. Eight units of residential are allowed above the first story of all commercial buildings in the Mixed Commercial zone (SWMC 17.20.010A(2)).

The Land Use Element of the Comprehensive Plan also identifies that there are 267 acres of Mixed Commercial Land in the city. In 2016, when the city performed its periodic Comprehensive Plan update, the amount of commercial and residential growth was estimated for a 20 year horizon – out to 2036. Based on the County's adopted projections, Sedro-Woolley's urban growth area was carefully sized to accommodate the projected growth. That analysis resulted in the precise amount of Mixed Commercial Land necessary to accommodate the projected commercial growth. It also resulted in the necessary amount of land to accommodate the projected residential growth. Losing 5.21 acres of prime commercial land along the Cook Road and Trail Road arterial routes will have impacts on the city's ability to accommodate future retail and commercial growth.

Similarly, adding 5.21 acres of R-15 would also skew the balance of necessary residential land. 5.2 acres can accommodate 78 additional units. The Washington State Office of Financial Management (OFM) 2021 population data estimates that there are 2.61 persons per unit in Sedro-Woolley. At the average of 2.61 persons per unit, that is an additional 203 residents more than the city's projected 20 population projection.

In 2015, as part of the city's 2016 Comprehensive Plan update, the city hired the economic and development consulting firm, E.D. Hovee & Company LLC (EDH) to prepare a buildable land and land capacity analysis report to determine how much land is necessary in the city's UGA to accommodate 20 years of growth (between 2016 and 2036). The report's methodology did not allocate population to the Mixed Commercial zone because little to no residential development had occurred in the MC zone in the past. Thus, it is not accurate to say that replacing Mixed Commercial land with R-15 land will result in the same amount of residential population allocation. The city's residential population is allocated to the Mixed Commercial zone.

Any new residentially zoned land, such as the 5.21 acres of proposed R-15 zoning, is more residential zoning than the city can justify. The additional housing that the Mixed Commercial zone allows for provides more residential land beyond what was already appropriately allocated to accommodate for the 20-year growth projection. The Mixed Commercial zone already acts as a relief valve for any residential development needs beyond what the residential zones already provide. The city's population growth is not outpacing the planned growth in the Comprehensive Plan. There is no justification in the land capacity analysis to increase the amount of R-15 zoned land. The city will be performing another land capacity analysis as part of a required Growth Management Act Comprehensive Plan update that is set to be completed in June of 2025. At that time the city will also

be reviewing its urban growth area boundaries and zoning policies to assure the city can meet the projected growth from 2025 to 2045.

As illustrated in Figure 4, none of the properties adjacent to the rezone request area are zoned R-15. The proposed 5.21 acres of R-15 zoning is very different than the surrounding land uses and zoning designations. Changing the zoning of these properties as proposed appears to meet the thresholds of spot zoning, which is not permitted in Washington State.

According to Planners Web, “spot zoning is the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area for the benefit of the owner of such property and to the detriment of other owners. When considering spot zoning, courts will generally determine whether the zoning relates to the compatibility of the zoning of surrounding uses. Other factors may include; the characteristics of the land, the size of the parcel, and the degree of the “public benefit.” Perhaps the most important criteria in determining spot zoning is the extent to which the disputed zoning is consistent with the municipality’s comprehensive plan” (from Planners Web on 10-12-21, <https://plannersweb.com/2013/11/understanding-spot-zoning-2/>).

#### *Consistency with Existing Comprehensive Plan*

Staff has reviewed the application materials for rezone request RZ 2021-038, reviewed the site conditions and reviewed the request for consistency with the Sedro-Woolley Comprehensive Plan. The applicant wrote in the application that the proposal meets GMA Goal 1 to Encourage development in areas where adequate public facilities exist. This goal will also be achieved if the property remains Mixed Commercial. The applicant did not address any Sedro-Woolley goals and policies. The following Land Use Element Goals and Policies support the proposed rezone request.

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 October 7, 2021, notice of the October 19 public hearing and Notice of Land Use Application were mailed to all residents within 500 feet and owners of property within 500 feet of the subject parcels (P37256 & P37151). Said notices were also posted along Cook Road on October 6, 2021. On November 5, 2021, notice of the November 16 public hearing (Exhibit D) was mailed to all residents within 500 feet and owners of property within 500 feet of the subject parcels (P37256 & P37151). Said notices were also posted along Cook Road on November 5, 2021. Community involvement and participation is encouraged as part of the review for this specific application and the Comprehensive Plan update process. There are no additional public comment periods scheduled for this proposal after the November 16, 2021 public hearing.*

Conclusions: Staff finds that the vacant property is not adjacent to any other R-15 properties, however it is adjacent to other Mixed Commercial properties and will have frontage on an arterial street, thus the property is valuable as commercial property. Staff also finds that the property is intended to accommodate future commercial/retail growth in the city limits. Eliminating the Mixed Commercial designation has negative effects on the city’s required commercial land inventory and increases the dependency of the city’s residents on commercial development in nearby cities. Such dependency also increases regional traffic congestion.

Staff finds that the Bucko family requested that the property be designated as Mixed Commercial in 2009 and the property was designated Mixed Commercial. The city’s commercial land inventory depends on this property to provide the city’s projected commercial growth.

Staff further finds that there is an adequate amount of developable R-5, R-7 and R-15 land in the city to accommodate the city's 20 population projection. Adding more R-15 land and eliminating Mixed Commercial land will skew the balance of necessary residential and commercial land in the city urban growth area. The proposed rezone from Mixed Commercial to R-15 is not consistent with the city's Comprehensive Plan.

The written public comment period is advertised to close at 4:30 PM on November 16, 2021 and the public hearing at the November 16 Planning Commission meeting. One public comment (Exhibit H) was received ahead of the October 19 hearing, no additional written comments have been received as of November 12, 2021. The Planning Commission may make a recommendation after deliberating on the information received during the public comment period.

### **EXHIBITS**

- A. Residential 5 (R-5) zoning regulations
- B. Mixed Commercial (MC) zoning regulations
- C. Residential 15 (R-15) zoning regulations
- D. Notice of Public Hearing Published in the Skagit Valley Herald November 5, 2021
- E. RZ-2020-012 Ruby Application form
- F. RZ-2021-038 Bucko Application form
- G. RZ-2020-012 Public comments received prior to November 12, 2021
- H. RZ-2021-038 Public comments received prior to November 12, 2021
- I. Written rezone request from September 8, 2009 – along with a map from the October 20, 2009 city-wide rezone staff report that illustrates the rezone request

### **RECOMMENDATIONS**

1. Make a motion to recommend that council deny rezone request #RZ-2020-012, a request to rezone approximately three acres of land from Mixed Commercial to Residential 5.
2. Make a motion to recommend that council deny rezone request #RZ-2021-038, a request to rezone approximately 5.21 acres of land from Mixed Commercial to Residential 15.

# EXHIBIT A

## 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;
6. 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.

#### 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: twenty 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 B

## 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 non-arterial 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 setbacks 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 non-arterial 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 C

## 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 non-arterial 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 setbacks 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 non-arterial 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 twenty 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 D

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

The City of Sedro-Woolley Planning Commission will hold public hearings on **November 16, 2021 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:

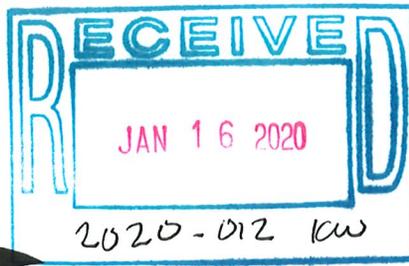
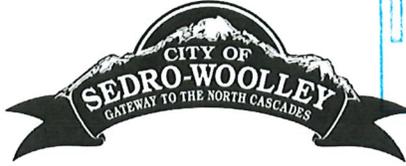
Possible amendments to the Comprehensive Land Use map and the Zoning map:

1. Rezone request # 2021-038 – Bucko – request to change the zoning designation of roughly 5.2 acres of land from mixed commercial to Residential 15
2. 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 November 16, 2021** 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 [nmcgowan@sedro-woolley.gov](mailto:nmcgowan@sedro-woolley.gov).

Please go to the Planning Commission Meetings page on the Sedro-Woolley website (<https://www.ci.sedro-woolley.wa.us/>) to find the meeting materials and a link to join the webinar.

Published in the Skagit Valley Herald: November 5, 2021



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

**Exhibit E**  
**Ruby Rezone Request**

**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?

\_\_\_\_\_

3. List the proposed or amended text:

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**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:

Mr. Bob Ruby, Granite Holdings LLC. 901 Metcald #34, Sedro-Woolley, WA 98284

2. Legal description of property(s):

See attached.

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

The property is bounded on the west by a critical area (no-name tributary to Brickyard Creek), the south by an existing Cascade Natural Gas easement, the north by Portobellow, and east by Fruitdale Road. There are currently 2 commercial use buildings on the property, utilized by the existing golf course.

4. Current land use designation/zoning: Mixed Commercial

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

North: Residential 5                      South: Residential 5  
East: Residential 5                      West: Public

6. Actual use of land on this site and on all the surrounding property: \_\_\_\_\_

The portion to be rezoned is part of the existing golf course (north, south and west). Surrounding the existing golf course is residential uses to the north and south, to the west is residential use and vacant undeveloped land. Public lands lie to the esast.

7. Proposed designation: Residential 5

8. Supporting information for your request: \_\_\_\_\_

The overall site is approximately 41.1 acres, this different zoning is only a portion of the overall property, and was required for the current golf course use.

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.

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- 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**

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

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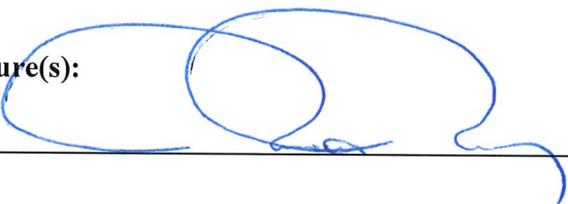
I, Robert H. Ruby, hereby certify under penalty of perjury, that I am the major property owner or officer of the corporation owning property described in the attached application, that I have familiarized myself with the rules and regulations of Sedro-Woolley with respect to filing this application, 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.

## **Area to be rezoned:**

That portion of the Northwest 1/4 of the Southeast 1/4 of Section 18, Township 35 North, Range 5 East, W.M., lying Northerly of McGarigle Road, ALSO the Southwest 1/4 of the Northeast 1/4 of Section 18, Township 35 North, Range 5 East, W.M., lying Northerly of McGarigle Road,

ALSO AND TOGETHER WITH that portion of the Southeast 1/4 of the Northwest 1/4 of Section 18, Township 35 North, Range 5 East, W.M., lying Northeasterly of the Westerly line of the Westerly Bonneville Power Easement and lying Southeasterly of the Northerly line of the abandoned Great Northern Railway right of way and lying Southwesterly of the following described line:

Beginning at a point on the East line of said Southeast 1/4 of the Northwest 1/4, said point being 439.24 feet North of the Southeast corner of said Southeast 1/4 of the Northwest 1/4;

thence North 59°10'41" West, 233.0 feet, more or less, to a point on the Northwesterly line of the abandoned Great Northern Railway right of way and the termination point of said line.

EXCEPT therefrom that portion platted as Sauk Mountain View Estates – South, a Planned Residential Development, as recorded under Auditor's File No. 200306090032, records of the Skagit County Auditor's Office, AND EXCEPT that portion platted as Sauk Mountain View Estates – South – APRD – Phase 3 as recorded under Auditor's File No. 200505260107, AND EXCEPT that portion the Southwest 1/4 of the Northeast 1/4 lying Northerly of the Southerly line of Portobello Avenue, AND ALSO EXCEPT the following described tracts:

### Tract A:

That portion of the Southwest 1/4 of the Northeast 1/4 of Section 18, Township 35 North, Range 5 East, W.M., described as follows:

Beginning at a point on the West 20 foot right of way line of Fruitdale Road, 521.62 feet North of the Southeast corner of said Southwest 1/4 of the Northeast 1/4, said point also being the Northeast corner of a tract of land conveyed to Cascade Natural Gas Corporation by Correction Deed dated August 3, 1957, and recorded in Volume 289, page 677, records of Skagit County, Washington;

thence South along said West right of way line of Fruitdale Road 120 feet, more or less, to the Southeast corner of that parcel conveyed by instrument recorded under Auditor's File No. 200212050129, records of Skagit County, Washington;

thence West 70.0 feet; thence North 220.00 feet;

thence East 70 feet to the Northeast corner of a parcel of land conveyed to El Paso National Gas Company by Correction Statutory Warranty Deed recorded August 26, 1965, under Skagit County Auditor's File No. 670920;

thence South along the East line of said parcel 100.0 feet to the true point of beginning.

### Tract B:

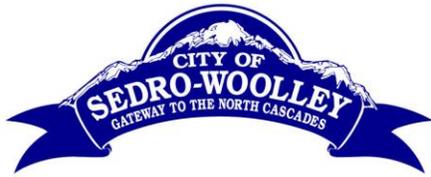
That portion of the Southwest 1/4 of the Northeast 1/4 of Section 18, Township 35 North, Range 5 East, W.M., lying Northwesterly of the following described line:

Beginning at the Southwest corner of Lot 21 within the Plat of Sauk Mountain View Estates-South, a planned residential development, as recorded under Auditor's File No. 200306090032, records of Skagit County Auditor's Office;

thence South 19°36' 17" West, 40.93 feet; thence South 38°43' 16" East 58.56 feet; thence South 21°02'28" West, 60.58 feet; thence South 50°02'25" West, 86.57 feet; thence South 31°52'47" West, 31.08 feet; thence South 48°07'50" West, 97.92 feet; thence South 31°49'29" West, 113.71 feet, more or less, to a point on the West line of said Southwest 1/4 of the Northeast 1/4 and the termination point of said line.

**Less that area south of the existing 75' Cascade Natural Gas Easement AFN 8211090035, and west of the "No-name" drainage ditch, a tributary to Brickyard Creek, as found and delineated January 2019, totaling 133,099 square feet.**

Situate in the City of Sedro-Woolley, County of Skagit, State of Washington.



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

**Exhibit F**  
Bucko Rezone Request

## 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: Sarah Bucko/Laura Bucko

Address: 13315 NW Overton St. Portland, OR 97229

Phone: 360-840-2609 / 360-420-1715 E-mail: [sarahbucko12@gmail.com](mailto:sarahbucko12@gmail.com) / [buckolaura@yahoo.com](mailto:buckolaura@yahoo.com)

1. Describe the purpose or goal of the proposed amendment:  
The goal of proposed amendment is to change the zoning of parcel #95618 from mixed commercial to R-15. The purpose of this goal is to add much needed affordable housing solutions to Skagit County and City of Sedro Woolley.
  
2. How will this improve or benefit the City of Sedro-Woolley in the future?  
As commercial units sit empty in the city, rental units are scarce and the lack of availability has driven the price up. The 0% vacancy of rental units in the city and lack of affordability create an extreme hardship for residents of the city.

### 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

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**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:

Sarah Bucko/Laura Bucko/Bucko Family Trust  
13315 NW Overton St  
Portland, OR 97229

2. Legal description of property(s):

See attached

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

The two parcels combined are 5.21 acres of flat grass-like pasture. There are no steep slopes on the property, there are no critical areas on the property. There is high ground water on this property.

4. Current land use designation/zoning: Mixed Commercial

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

North: R-7 South: Mixed Commercial

East: R-7 West: Public

6. Actual use of land on this site and on all the surrounding property: \_\_\_\_\_

All residential use to the north, east and south while to the west its current use is public and used by The Sedro Woolley School District. Historically this land has been used primarily as pasture.

7. Proposed designation: Multi-family (R-15)

8. Supporting information for your request: See attached
- 
-

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.

N/A

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- 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 15, 2021**.
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.

*Sarah Bucko*

Applicant

1/8/2021

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 and rezone requests through January 15, 2021. Applications received on or before this date will be considered for inclusion on the 2021 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 in the Planning Department website. For additional information, contact the Planning Department at (360) 855-0771.

Date of notice: September 22, 2020

To be published in the Skagit Valley Herald: December 4, 2020 and January 2, 2021

# City of Sedro-Woolley Certificate of Ownership

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I, \_\_\_\_\_, 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: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: (\_\_\_\_\_) \_\_\_\_\_

Signature(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

For:

\_\_\_\_\_  
(Corporation or company name, if applicable)

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

# City of Sedro-Woolley

## Mailing Procedure

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1. Obtain a list of names and addresses of property owners and residents within 500 feet of the edge of the subject property. In determining the outside edge, include all other adjacent property owned by the applicant. The source of the names and addresses must be the Skagit County Assessor's records.
2. Prepare an additional label for residents where the owner's mailing address is outside the notification area (absentee owners).  
*Example: Resident, 123 State St., Sedro-Woolley, WA. 98284.*
3. Prepare 2 sets of postage-paid envelopes with the mailing labels from this list affixed to the envelopes. Include an envelope with the applicant's name and address.
4. Obtain a map showing the subject property and all properties on the mailing list. This is available at the Assessor's office.
5. Fill out and sign the affidavit below.
6. Bring the list, postage-paid, addressed envelopes, map, and affidavit to the city Planning Department.

## AFFIDAVIT OF CORRECT NAMES AND ADDRESSES

I, \_\_\_\_\_, do hereby certify  
**Affiant**

that the attached list of property owners, addresses and parcel numbers for the proposed project, \_\_\_\_\_,

**Name of proposed project**

is a true and correct copy provided for me by the Skagit County Assessor's Office for land within 500 feet of the property lines of P \_\_\_\_\_. (site parcel number)

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Subscribed and sworn to before me on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_

Print Name: \_\_\_\_\_

Notary for the State of Washington,

Residing at \_\_\_\_\_

My Commission expires: \_\_\_\_\_

City of Sedro-Woolley  
AFFIDAVIT OF POSTING

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*Due to the type of permit that you are applying for, you are required to post a Notice of Land Use Action sign on your property. When your application is complete, you will then receive a letter of complete application in the mail including a deadline for posting the notice on your property. Procedures for posting are listed below:*

I, \_\_\_\_\_ do hereby certify that on this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_, I posted the attached document at

my property located at \_\_\_\_\_,

on a Notice of Land Use Action sign provided to me by the City of Sedro-Woolley.

**Signs which meet posting requirements shall be purchased at the City Planning Department for \$25 each.**

I further understand that I am required to comply with the requirements listed below:

1. Posting of the property for site-specific proposals shall consist of one or more notice boards as follows:

a. One notice board per street frontage shall be placed by the applicant at the midpoint of the street fronting the site or as otherwise directed by the director for maximum visibility, five feet inside the street property line, except when the board is structurally attached to an existing building; provided, that no notice board shall be placed more than five feet from the street without approval of the director, so that the top of the notice board is between five to six feet above grade, and where it is completely visible to pedestrians.

b. Additional notice boards may be required when the site does not abut a public road, a large site abuts more than one public road, or the director determines that additional notice boards are necessary to provide adequate public notice.

c. Notice boards shall be maintained in good condition by the applicant during the notice period, in place at least days prior to the date of any hearing and/or the end of any required comment period, and removed within 15 days after the end of the notice period.

d. Removal of the notice board prior to the end of the notice period shall be cause for discontinuance of the department review until the notice board is replaced and remains in place for the specified time period.

e. An affidavit of posting shall be submitted to the director by the applicant at least 10 days prior to the hearing or final comment date. If an affidavit is not filed as required, any scheduled hearing or date by which the public may comment on the application shall be postponed until there is compliance with the notice requirement.

f. Notice boards shall be constructed and installed in accordance with specifications promulgated by the director.

*Sarah Bucko* \_\_\_\_\_.

Applicant

1/8/2021

\_\_\_\_\_  
Date

## SEPA Checklist

## Comprehensive Plan Amendment

Bucko Family Trust  
13315 NW Overton St  
Portland, OR 97229

The goal of proposed amendment is to change the zoning of parcel #95618 from mixed commercial to R-15. The purpose of this goal is to add much needed affordable housing solutions Skagit County and Sedro Woolley which is grossly necessary. The University Of Washington Center for Real Estate Research estimates the statewide apartment vacancy rate to be 4.3 % in the state with Skagit County having a vacancy rate of 0.0% which is a decline from the already low 0.5% in the same period last year. This puts us at #1 in the state for vacancy rates. With the extreme low inventory of rental units, this has driven the current rental market rate way up, over a 50% increase in the past 5 years. Low vacancy rates and higher prices lead to an increase in homelessness and poverty. Increasing inventory in the City of Sedro Woolley of affordable housing options of rental units will drive down the high cost of the current market due to lack of availability creating a monopoly on the rental market.

### Land Use Amendment:

1. Bucko Family Trust  
13315 NW Overton St  
Portland, OR 97229

2. Parcel: P37256 (4.2800 ac) CU F&A #9 AF#200003140007 2001: N1/2 SE1/4 SE1/4 NE1/4, SECTION 23, TOWNSHIP 35 NORTH, RANGE 4 EAST, W.M., ALSO S 10FT LESS E 127.6FT T&G E 20FT SW1/4 SE1/4 NE1/4 & W 20FT S1/2 SE1/4 SE1/4 NE1/4

Parcel: P37151 (0.9300 ac) CU F&A #9 [AF#200003140007](#) 2001: TH PTN OF SE1/4 SE1/4 NE1/4 SECTION 23, TOWNSHIP 35 NORTH, RANGE 4 EAST, W.M., DAF BAT NE COR OF SD SUB TH N 89-49-55 W ALG THE N LINE OF SD SUB 127.54FT TO NE COR OF TH PAR DESC IN SWD TO ADOLF BUCKO & MARIA BUCKO AF#863875 TH S 00-31-28 E ALG THE E LINE OF SD BUCKO PAR 317.82FT TO NE COR OF TH PAR DESC IN SWD TO FRED KING & LIZZIE KING AF#366139 TH N 89-48-49 E ALG THE PROLONGATION OF THE N LINE OF SD KING PAR 127.57FT TO E LINE OF SD SUB TH N 00-31-54 W ALG THE E LINE OF SD SUB 317.03FT TO POB

3. The two parcels combined are 5.21 acres of flat grass-like pasture. There are no steep slopes on the property, there are no critical areas on the property. There is high ground water on this property.

4. Current land use designation is Mixed Commercial (MC).

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

North: Residential 7 (R7) South: Mixed Commercial (MC)

East: Residential 7 (R7) West: Public

6. Actual use of land on the site and surrounding property is all residential to the north, east and south while to the west its current use is public and used by The Sedro Woolley School District.

7. Proposed designation is Multifamily or R-15.

8. The University Of Washington Center for Real Estate Research estimates the statewide apartment vacancy rate to be 4.3 % in the state of Washington with Skagit County having a vacancy rate of 0.0% which is a decline from the already low 0.5% in the same period last year. This puts us at #1 in the state for vacancy rates. With the extreme low inventory of rental units, this has driven the current rental market rate way up, over a 50% increase in the past 5 years. Low vacancy rates and higher prices lead to an increase in homelessness and poverty, with many residences spending far over the recommended income allowance on housing. Increasing inventory in the City of Sedro Woolley of affordable housing options of rental units will drive down the high cost of the current market due to lack of availability which has created a monopoly on the rental market. This development meets many goals in the Growth management Act including:

Goal GMA1: Encourage development in areas where adequate public facilities exist. The ability to address these needs is vital to the social and economic vitality of the community. Shortages in the amount of housing may cause a potential employer not to locate to the community. Shortages of quality, affordable housing causes distress to the individual and ultimately to the community. Explore strategies to promote the development of non-assisted affordable housing in the private sector. Such strategies may include, but are not limited to the following: Rezoning to allow higher densities.

Currently availability of affordable housing to all economic segments of the population of the city is not available. Implementing multifamily into our proposed development which include single residential homes will give access to all populations... a healthy, economically diverse, strong neighborhood. Not only will it provide affordable housing to the community but it will provide a more socioeconomic diverse community and school system with students that live within this residential community comprised of multifamily and single family residential attending school, walking and riding the bus with one another. Research shows that schools and communities with a greater degree of socioeconomic diversity can provide students with a large range of cognitive and social benefits. In 2017 the National Assessment of Educational Progress (NAEP) showed students in integrated schools/communities had higher average test scores, were more likely to enroll in college and were less likely to drop out. It also showed integrated schools helped decrease racial segregation as well and reduced racial achievement gaps. One of the most important benefits in attending a diverse school and living in a diverse community is that it can help reduce racial bias and counter stereotypes, children are at risk of developing stereotypes about racial groups if they lives in and are educated in racially isolated settings. By contrast when school settings include students from multiple racial groups and socioeconomic settings, students

become more comfortable with people of other races, which leads to a dramatic decrease in discriminatory attitudes and prejudice.

The need of affordable housing within a neighborhood does more than create different price points to get into that neighborhood, it creates community. The need for this community is beyond the overwhelming evidence of inventory and current market rates and trends. Beyond the research findings, the increasing polarization of our country is a grim reminder of the importance of exposing children to differences early in life as well as ourselves at all walks of life in order to nurture understanding and empathy—rather than fear and intolerance that grows from separation.

9. N/A

I am opposed to rezoning this property to Residential. I live in Sauk View Estates, my backyard borders the Gateway Golf Course. Up until this summer, when shrubbery in the green belt between my backyard and the golf course has grown too tall, I was able to watch the herons fish in the pond in the morning and the neighbor children fish in the pond in the afternoons.

I have also watched the golf course flood many months out of the year, every year, not just during excessively rainy years. At nighttime, I can hear the pumps trying to get rid of enough of the water, so that golfers can maneuver around what little is left of the course. If this area is developed for residential housing, where will all this water be diverted to? It seems to me this land would best be left as wetlands.

Cheryl Fletcher  
1263 Arrezo Drive

**Exhibit G**

Public Comments - Ruby  
Rezone Request

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.

Received via Email  
7/22/2020  
File #RZ-2020-012

Sedro-Woolley Planning Commission,

#RZ-2020-012

We live at 1275 Arrezo Dr., above the golf course. From our house, we watch the water rise and fall. Every year without fail large areas flood. On especially wet months, approximately 70% of the property is under water.

No amount of mitigation will be sufficient to allow houses to be safely built there, especially without causing major flooding problems for adjoining properties.

We oppose any development of that property outside of its current use as a golf course (or substantially similar open land use).

Specific to the 3 acre re-zone, its current use (the clubhouse, parking lot, and storage building) seems to fit better with "Mixed Commercial" than "Residential 5". The only purpose of a re-zone is to allow residential house development of the entire property. Though conceivably a small number of houses could be built on that one corner that floods less, it does not make sense for residential development. And since it mainly paves the way for a broader development, we oppose the re-zone.

Matt and Lisa Howry

Fruitdale golf course land use project

Hello, I have watched the golf course flood several times a year for many years. I'm concerned and would be interested to hear where the flood waters will go. It also floods across the street. That land elevation is higher than the golf course. I will be on the zoom call to night.

Thank you for the opportunity to contribute.

Respectfully,

Terri Judd

RE: rezone request #2020-012, ruby

I am writing to request to be included as a party of public records and ask to be kept informed on this rezone request from Mr. Ruby the following are my questions ,comments, concerns and objections to this plan: is the purpose of rezone for housing development? if so ,how can residents be built in a sub flood control zone ? where would the water go that fills that land with water ? as i read the map that land area is under water at least 9 months out of the year, we spend a great deal of time there and have lived next to this golf course for 46 years. the golf course during heavy rain and flood fills brickyard creek until rather than spilling over mcgarigle & fruitdale rd. it flows into the golf course. Many times almost the entire golf course is heavily flooded and the creek comes near to threaten our neighborhoods. The major floods of 1975 & 1990 did bring water into our area. Problems have already existed with with brickyard creek from improper drain-off of Portabello Dr. and Sauk Mtn.view estates. Inadequate storm water drain system has failed to protect creek from storm water run-off and flooding .Prior to Sauk Mtn. housing development Independance Lane had never had flood waters into residents homes, since development they have twice suffered flood waters in their homes. This property is a frequently flooded area . The more houses the greater the risk, so who is responsible for liability if their actions cause flooding of our homes ?The more concrete, the more water. Sub flood control zones are there to prevent this and the planning commission should have a responsibility to protect our property from risks / damages. Who is responsible for protecting our properties /neighborhoods from flash flooding and excessive amounts of water that collect in this area due to development ? Where the water goes is vital to the protection of our property. We have already on many occasions ,notified the city of serious potential of this threat. We are not convinced or trust that this proposal will not have a significant impact on our living environment. Safety concerns of development

on and around the gas lines compromising integrity of pipelines, creating risk of potential pipeline anomalies due to heavy equipment etc. used in land development. Though the risk may not be great ,pipelines do have accidents. We ask for you to consider our objection to this re-zone proposal and deny the request to change re-zone to R-5 ,# 2020-012. Would also like to say to you how very disappointed we are about the very little amount of time you gave notice of this proposal to us. We could list many other concerns we have about development of the golf course property. Wild life habitat, wetlands, creeks and streams. concern that all requirements of setbacks on golf course property will be met. Thank you for consideration of our strong objections to this proposal or any development of the golf course property until the city can assure us that it would not create serious risk to our property. Tell us exactly how you can manage the water that fills the golf course with feet of water at times and where will that water go.

Sincerely , Les , Susie Williams, July 19,2020

To our City officials :

Please submit my letter as a matter of public record regarding the rezone request of Mr. Ruby.

I have many questions and concerns with this proposed rezone of the property and site for the request . First, I find it very discerning that our planning commission and city council would make a ruling on this request at a time when we are not allowed to have in-person public comment periods. Also I have been under the impression that we were to be given 30 day notice rather than the 7- 14 days we have received.

Because they will have a larger impact of water issues due to this request, has the city notified the residents of Independence Lane of this request ? They have already dealt with flooding issues from the first developments on the Golf course and some of them may be new to neighborhood and not know of previous flooding of their homes. The potential for more flooding with this request is real.

As I understand ,there is going to be an 80 unit 55+ development on the vacant land between golf course property and Independence Lane ? Does the city know how many times this land has been filled with water ? At least 2 times that I know of ,I have videos of this and the flooding of Independence Lane. Are we really going to place senior citizens in homes in this area and develop the proposed golf course property?

Will the city request a wetland study ? The site is under water almost year round, if land across Fruitdale Rd. is designated wetlands then surely this site should be ,it has more standing water year round than that land has .In fact this site is the wettest area year round on the entire golf course. Does this poorly drained soil meet hydric soil criteria ? This property may contain wetland that requires protection under the CCAO. A qualified wetland specialist should visit this site to determine the presence ,type ,extent and boundaries of any wetlands.

Easements / Setbacks ?

The property on the golf course is a sub-flood control zone , I have copies of deeds, warranty deeds, easements of the Dike Drainage District #14 of Skagit County and the W.E.R.A. that designates this land as part of the drainage system that binds the lands of the said right of way to them forever. Warranty deed states that no buildings will be constructed on this property with out prior approval of proper Skagit County authorities. Document from Skagit County Planning and Development Services states that building is never allowed in an easement. I have submitted these documents to the city before ,so you should have them all in your records, with maps. Why is the city able to make any rezoning rulings on this land for development of property ? Why would the city planning commission or our city council be allowed to grant the right to build property on this land ? Shouldn't this be a decision of the Dike District and the W.E.R.A. ? Am I not understanding the scope of these warranty deeds ?

I ask that you carefully consider our concerns as they relate to a potential risk to our property rights, protections, the rights of all who live beside and around this property. I feel for Mr. Ruby's predicament, however he must have known all this when he purchased said property along with all of the other setbacks that zigzag all across this land . Thank you for your time and efforts on our behalf.

Please honor my request for notification of any proposed changes to the rezoning or changes to the landscape of this property.

Les and Susie Williams  
9/10/2020

**From:** Paul Cocke <paulcocke@gmail.com>  
**Sent:** Tuesday, October 19, 2021 3:39 PM  
**To:** Nicole McGowan  
**Subject:** Rezone request

**CAUTION:** This email originated from outside of the City of Sedro-Woolley mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To: City of Sedro-Woolley Assistant Planner

Please accept our public comment, below, on the proposed rezone request at the golf course.

We have lived at 975 Wedmore Place, about a block from the golf course, for nearly 20 years. Over the years, we have seen that the golf course regularly floods.

All it takes is a heavy rain to fill Brickyard Creek to the top and, sometimes, over its banks. We are concerned that further development at the golf course will lead to more flooding.

Both Caulkin and Wedmore streets are lower in elevation than the golf course. Will those streets and yards of homes – which now are at risk of flooding - be regularly flooded by runoff from this project?

Thank you,

Paul and Diane Cocke  
975 Wedmore Place  
Sedro-Woolley, Wa 98284

**From:** mtmcgoffin@gmail.com  
**Sent:** Wednesday, October 13, 2021 12:30 PM  
**To:** Nicole McGowan  
**Subject:** Bucko Rezone request

## Exhibit H

Public Comments - Bucko  
Rezone Request

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

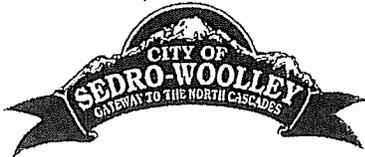
**CAUTION:** This email originated from outside of the City of Sedro-Woolley mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

We received the notice today. This is a reasonable request. It makes sense to access this residential area from a main arterial like the Cook Road. Its unfortunate the access road couldn't line up with the driveway to Food Pavilion and make a 4 way intersection. The more it can connect with existing roads the better!

Good luck and thanks for your work to help the applicants find a solution.

Mary and Kevin MCGoffin



**Exhibit I**  
2009 Bucko Rezone Request

# CITY OF SEDRO-WOOLLEY

## Proposed Zoning Map and Zoning Code Amendments

### Comments? Questions? Suggestions?

Please let us know how you feel about the proposed changes. The City strives to make changes that best serve the whole community. The goal of this rezone is to assure that future development in the City meets the goals of its residents. Your input will help shape the future of Sedro-Woolley!

- Are the proposed changes to the Zoning Map appropriate
- Are there areas where zoning *should not* be changed?
- Are there areas where zoning *does* need to be changed?
- Are the proposed changes to the Industrial zone and Central Business District appropriate?
- Any other comments?

MR. BUCKO WOULD LIKE TO CONVERT HIS PROPERTY SOUTH OF BRICKYARD CREEK TO COMMERCIAL ZONE. ROAD COULD BE BUILT BETWEEN F&S AND COOK RD.

RECEIVED

SEP - 8 2009  
CPA-4-09

CITY OF SEDRO-WOOLLEY  
PLANNING & PERMIT CENTER

**Thank You for your input!**

**Sedro-Woolley Planning Department**  
325 Metcalf Street  
phone: (360) 855-0771 fax: (360)855-0733  
Jack R. Moore, Planning Director  
John Coleman, Senior Planner

# City of Sedro-Woolley Zoning Map

BURKO REQUEST  
AREA REQUESTED ~~TO~~ BE  
REZONED MIXED-  
COMMERCIAL

AREA RECOMMENDED BY STAFF  
TO BE REZONED MIXED-  
COMMERCIAL

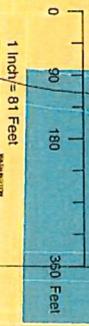


COOK RD.

HAWTHORN

5<sup>th</sup> S GRADE RD

Legend	
	City Limits
	UGA
	Parcels
	Streams
	Streams
Zoning Areas	
	CBD
	I
	MC
	OS
	P
	R15
	R7
	R5



City of Sedro-Woolley  
Zoning Map  
Adopted: 12/10/2004  
Revised: 12/22/2009