


CITY OF SEDRO-WOOLLEY
PLANNING DEPARTMENT
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TRANSMITTAL & REPORT MEMORANDUM

HEARING DATE: May 26, 2021

TO: Sedro-Woolley Hearing Examiner

RE: Files # SP-2020-264 and ZV-2020-265 – Prather Short Plat and Variance

FROM: 
Katherine Weir, Assistant Planner

GENERAL INFORMATION:

APPLICATION DATE: September 9, 2020

APPLICATION COMPLETE: October 9, 2020

RECOMMENDATION: Staff Recommends **Approval with Conditions**

PROJECT NAME: Prather Short Plat and Variance

SITE LOCATION: 720 Shoeshel Drive

PROPERTY OWNER: Neal Prather and Mary Bess-Prather
720 Shoeshel Drive
Sedro-Woolley, WA 98284

PROJECT PROPONENT: Neal Prather
720 Shoeshel Drive
Sedro-Woolley, WA 98284

DESCRIPTION OF PROPOSAL:

The City has received an application to subdivide an approximately 4.45 acre piece of land into three separate residential lots. There is an existing single family residence, out buildings and a senior living and care facility on the lot. The lot also contains critical areas consisting of a ravine and a creek. Due to the limitations caused by the existing critical areas, the

applicant is requesting a variance from sewer connection requirements and minimum density requirements to allow for this subdivision. There is a condition on the senior living facility that if operation of the senior living and care facility is terminated, the existing single family home must be removed or placed on a separate lot. The applicant is seeking to subdivide their property in order to be able to cease operating the adult care facility and keep their home. In accordance with SWMC 2.90.070(G), a Zoning Variance is processed as Type III Permit and a Short Plat is processed as a Type II Permit. SWMC 2.90.070(C) 2 specifies that when more than one land use permit is required and the permits are subject to different types of permit review procedures, then all the applications are subject to the highest-number procedure. Thus, the short plat is reviewed as a Type III Permit under a consolidated review process with the Zoning Variance.

Site Address:	720 Shoeshel Drive, Sedro-Woolley, WA 98284
Parcel ID Nos.	P36405
Zoning District:	Residential 5

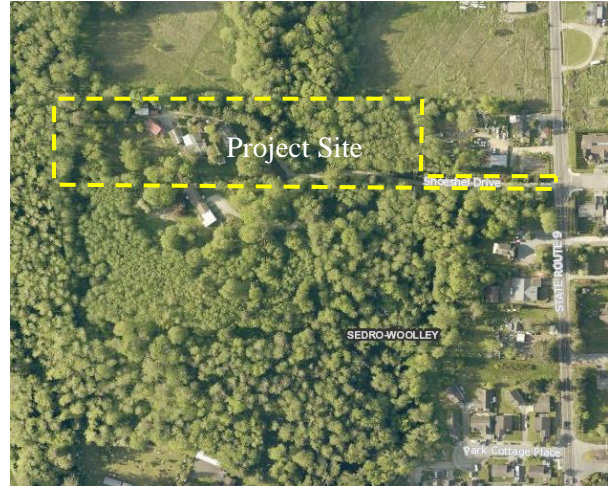
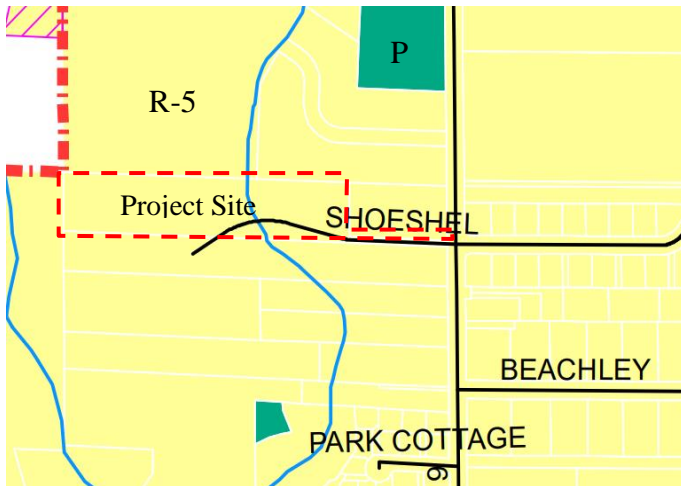
COMPREHENSIVE PLAN LAND USE DESIGNATIONS, ZONING DESIGNATIONS AND EXISTING LAND USES OF THE SITE AND SURROUNDING AREAS:

Area	Land Designation	Use	Zoning	Existing Use
Project Site	Residential 5		R-5	Single family residential
North	Residential 5		R-5	Single family residential
South	Residential 5		R-5	Single family residential
East	Residential 5		R-5	Single family residential
West	Residential 5		R-5	Single family residential

Residential 5 (R-5) Zoning Regulations:			
Minimum lot size:	8,400 square feet	Lot width at building line:	40 feet
Front Setback:	20 feet	Lot width at road frontage:	20 feet
Rear Setback:	10 feet	Maximum building height:	35 feet
Side Setback:	5 feet for single story, 8 feet for two story	Maximum building coverage:	35%

PUBLIC UTILITIES AND SERVICES PROVIDED BY:

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



ANALYSIS

1. Application Process:

- a. On November 5, 2014 the city held a required pre-application meeting for the proposed 3 lot subdivision with the project applicant. At the meeting, staff reviewed the applicant's proposal and informed him that the proposal would require a variance for the sewer connection. The applicant was later informed that a variance from the minimum density requirements would also be required.
- b. On September 9, 2020, the City received the short plat application (**Exhibit B**) and Zoning Variance application (**Exhibit C**). After receiving additional required materials, the City determined that the two applications were complete on October 9, 2020.
- c. Per SWMC 2.90.070, short plat and variance applications are classified as different types. A short plat application is classified as a type II permit and is an administrative decision with no public hearing required. Zoning Variances are classified as a type III permit and require a public hearing. The final decision for type III permits is made by the hearing examiner. Per SWMC 2.90.070(C) 2, when more than one land use permit is required and the permits are subject to different types of permit review procedures, then all the applications are subject to the highest-number procedure. Thus, the short plat application was elevated to a type III permit and is being processed accordingly along with the variance application.
- d. On October 13, 2020, the City issued a Notice of Application and public comment period (**Exhibit D**).

- e. After requesting revised materials on November 12, 2020, the City accepted a revised application map on April 1, 2021 (**Exhibit E**) and a revised narrative on April 2, 2021 (**Exhibit F**).
- f. A public hearing before the Sedro-Woolley Hearing Examiner was scheduled for May 26, 2021 at 2PM to be held virtually via Zoom. Notice of the public hearing was advertised to the public and interested parties.

CONCLUSION: The application meets the procedural requirements for Type III applications established in Chapter 2.90 SWMC.

2. Public Notification, Meeting and Comment:

- a. The Notice of Application and Public Comment Period (**Exhibit D**) was issued on October 13, 2020 and the comment period ended on October 27, 2020. Notices were mailed on October 9, 2020 to all residents and property owners within 500 feet of the subject property and the notice was posted on the subject site on October 13, 2020.
- b. No neighbor comments were received during the comment period. The city did receive comments from the Skagit PUD (**Exhibit G**), the sanitary sewer dept. (**Exhibit H**) and the solid waste dept. (**Exhibit I**).
- c. The City issued a Notice of Public Hearing (**Exhibit J**) for the proposal on May 14, 2021. The notice was posted on the subject site on May 12, 2021, published in the legal notices section of the Skagit Valley Herald on May 14, 2021 as well as mailed to all parties of interest, residents and property owners within 500 feet of the property on May 13, 2021.

CONCLUSION: The city has met the noticing requirements for Type III applications established in 2.90 SWMC.

3. Comprehensive Plan:

- a. The Sedro-Woolley Comprehensive Plan identifies this area as Residential 5 (R-5). The R-5 is described within the Land Use Element: Allows single lot developments to a maximum density of five units per acre, with a minimum lot size of eight thousand four hundred (8,400) square feet. Allows planned residential developments (PRDs) with varying residential densities as conditional uses.
- b. Specific goals and policies from the Land Use Element of the Comprehensive Plan that are relevant and applicable to this proposal include the following:

- i. Policy LU5.7: Recognize the rights of property owners to freely use and develop private property consistent with city regulations.
- c. Specific goals and policies from the Housing Element on the Comprehensive Plan that are relevant and applicable to this proposal include the following:
 - i. Policy H2.3: Encourage affordable housing for all household types, including seasonal workers, single parents, extended families, and group homes.
- d. Staff finds that this proposal is consistent with the above zoning designation policies from the Land Use Element and Housing Element of the comprehensive plan. The proposed short plat meets the intent of the zoning requirements for development in the R-5 zone. The existing structures on the lot provide single family housing and an adult care facility, similar to a group home.

CONCLUSION: The application as conditioned conforms to the Sedro-Woolley Comprehensive Plan.

- 4. Specific Criteria: Chapters 16.04, 16.12, 17.08, 17.36, 17.60 and 17.65 SWMC establish the requirements and criteria relevant for approving this application and are reviewed as follows:
 - a. Chapter 16.04 SWMC Subdivision General Provisions
 - i. The applicant has provided an application map (**Exhibit E**) that shows that the proposal meets the minimum infrastructure standards outlined in SWMC 16.04.080 through the existing conditions and city agreements. The proposed lots are currently served by an adequate shared driveway with an easement in place (**Exhibit K**) to serve the existing uses, they have water connections with the Skagit PUD per the PUD comment (**Exhibit G**), and have septic systems and a comment from the Sedro-Woolley Sewer Department (**Exhibit H**) that allows for a variance from the sewer connection requirements.
 - ii. SWMC 16.04.060 requires that a subdivision solely for residential purposes shall have a net density for the entire development of not under 4 units per acre. The applicant is requesting a variance from this requirement.
 - iii. Per SWMC 16.04.060, a variance from this requirement may be granted by the hearing body through the subdivision approval process to accommodate site constraints which make development at the required minimum density impractical or inconsistent with the purposes of this chapter. Factors which may warrant a density reduction include but are not limited to: critical areas

in excess of 20% of the site, stormwater management, significant wildlife corridors and utility corridors.

- iv. Staff finds that the critical areas on the site are in excess of 20% per the narrative (**Exhibit F**), critical areas report (**Exhibits L and M**) and a staff site visit. The site is bisected by a large ravine with a creek, and another seasonal creek exists on the area on the east side of the ravine. The ravine and required buffers for each creek results in a very limited area for development. A density reduction is therefore warranted.
- v. As a condition of granting a density reduction, the applicant must demonstrate that the minimum density cannot be achieved by clustering the housing on the buildable portions of the site. The applicant discusses the limitations of the site that are caused by the creek and steep terrain in the narrative (**Exhibit F**).
- vi. Staff finds that due to the complications caused by the ravine, existing limited access, creeks and required creek buffers, minimum density cannot be achieved by clustering the housing on the buildable portions of the site.

b. Chapter 16.12 SWMC Short Plats

- i. Per SWMC 16.12.010, unless an applicant for short plat approval requests otherwise, a short plat shall be processed simultaneously with applications for rezones, variances, planned unit developments, site plan approvals, and similar quasi-judicial or administrative actions to the extent that procedural requirements applicable to these actions permit simultaneous processing. The applicant has not requested otherwise and the short plat application is being processed simultaneously with the variance application.
- ii. The applicant submitted an application map (**Exhibit E**) that meets the content of application requirements for preliminary plats described in SWMC 16.12.015.
- iii. City staff reviewed the short plat application against the criteria for preliminary approval described in SWMC 16.12.045 and found that with the variance application being processed simultaneously with the short plat application, the proposal meets the criteria for approval.

c. Chapter 17.08 SWMC Residential 5 Zone:

- i. The applicant submitted an application map (**Exhibit E**) that demonstrates that the proposal meets the bulk restrictions of the R-5 zone.
 - ii. The existing structures are allowed uses in the R-5 zone. Single family residences are an allowed use a group homes are allowed as a conditional use.
 - iii. In 2005, the city allowed for the existing structures through a signed agreement (**Exhibit N**) between the city and the landowners, the Prathers. The city found that SWMC 17.08.010 permits only one single family residence per lot, however the single residence on the premises was being used as an adult care facility (or group home), which was at that time a permitted use on the property. The agreement allowed the Prathers to place a mobile home or manufactured home on the property for their personal use, as an accessory structure to the adult care facility.
 - iv. A condition of the agreement is that the Prathers shall remove the mobile home or manufactured home within 90 days of the termination of the use of the residence as an adult care facility, or alternatively, shall subdivide their property and/or take whatever action is required to bring their property into compliance with the zoning and land use codes then in effect.
 - v. The applicant is seeking to subdivide their property in order to be able to cease operating the adult care facility and keep their home.
- d. Chapter 17.36 SWMC Off-Street Parking and Loading:
- i. Per 17.36.030, two off-street parking spaces are required per dwelling unit. The applicant has demonstrated on their application map (**Exhibit E**) that this requirement will be met.
 - ii. The applicant has also shown on the application map that the proposal meets the development standards described in 17.36.040 for off-street parking and loading.
- e. 17.60 SWMC Variances and Zoning Waivers:
- i. Per 17.60.050, the criteria for variances are as follows:
 - A. no detriment will result to neighbors or the public in general,
 - B. the reason the regulation from which relief is requested is unnecessary in this case is that special circumstances exist here which are not common to other similarly restricted properties. (These circumstances may include

physical features of the subject property, nature of surrounding improvements and uses, or proposed design elements that will meet the same purpose as the regulation from which relief is requested. The special circumstance(s) shall be specified in the findings); and

- C. the special circumstances are sufficiently unique that the cumulative effect of such variances will not undermine the purpose and intent of this title.

- ii. The applicant has provided a narrative (**Exhibit F**) with the variance application that describes how their proposal meets the above criteria.

- iii. Staff finds that no detriment will result to neighbors or the public in general if the variance requests are approved. The reason that the variances are proposed is that the property owner wishes to preserve the existing home while being able to cease the use of the adult care facility. The property owner is getting older and close to retirement and would like to be able to stay in their home without having to run the care facility. There are no plans to further develop the back two lots. Both the existing home and care facility are currently served by approved septic systems and have been in use since 2005. The existing uses do not cause any detriment to the neighbors or public in general.

The only change to the existing conditions of the property is that a lot will be created that may be developable if sold. That lot (proposed lot 1) is on the east side of the creek and will be required to connect to sewer at time of building permits (**Condition 2**).

- iv. Staff finds that the reason the regulation from which relief is requested is unnecessary in this case is that special circumstances exist here which are not common to other similarly restricted properties. There are existing structures on the property that were allowed through a signed agreement that had specific conditions about the termination of the adult care facility. The creek is in a large ravine that makes development at this site unfeasible. The 20 foot existing access is shared between the subject property and the neighboring lot and is unsuitable for the amount of units that would be required to meet the minimum density requirements set forth in SWMC 16.04.060.

- v. Staff finds that the above special circumstances are sufficiently unique and that the cumulative effect of such variances will not undermine the purpose and intent of Title 17 SWMC, Zoning. The subdivision will result in the existing structures being placed on separate, conforming lots. The eastern

portion of the lot will also become available for future residential construction subject to conditions.

f. 17.65 SWMC Regulations for Critical Areas

- i. The applicant has provided a critical areas report performed by Bob Whitefield (**Exhibit L**) that describes the critical areas on the site. Mr. Whitefield also provided an update letter (**Exhibit M**) for his report with corrected creek buffer information.
- ii. Staff finds that the information provided by Mr. Whitefield is sufficient for this permit application because no development is proposed. Any proposed development at this site will require a more in-depth critical areas study (**Condition 1**).

CONCLUSION: The application as conditioned meets the review criteria set forth in SWMC that apply to this proposal.

STAFF RECOMMENDATIONS

The Planning Department recommends **APPROVAL** of Short Plat # 2020-264 and Variance #2020-265 **subject to the following condition(s)**:

1. Any development proposals for the new lots will require additional, in depth critical areas assessment done by a qualified professional. The assessment shall meet the requirements of 17.65 SWMC.
2. Any development at lot 1 shall be required to connect to sanitary sewer at time of permitting.

EXHIBITS

- A. Staff Report
- B. Short Plat Application #SP-2020-264
- C. Variance Application #ZV-2020-265
- D. Notice of Application
- E. Revised Application Map
- F. Revised Variance Narrative
- G. Skagit PUD Comment Letter
- H. Sedro-Woolley Sewer Dept. Comment Letter
- I. Solid Waste Dept. Letter
- J. Notice of Public Hearing
- K. Easement Agreement
- L. Critical Areas Report

- M. Update to Critical Areas Report
- N. Adult Care Facility Agreement
- O. Drainage Report
- P. Staff Pre-Application Meeting Comments