



**Planning Department**  
Sedro-Woolley Municipal Building  
325 Metcalf Street  
Sedro-Woolley, WA 98284  
Phone (360) 855-0771  
Fax (360) 855-0733

## MEMO:

**To:** Sedro-Woolley Planning Commission

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

**Date:** August 18, 2020

**Subject:** CPA-1-20 – Zoning Map and Comp Plan Map Amendments – 2020 Docket *Continued*

## ISSUE

At its March 11, 2020 meeting, the City Council made a motion to include two rezone requests from two separate property owners on the 2020 Comprehensive Plan Docket. The first is a request from Richard Quam to change the zoning designation of one roughly 2.5-acre parcel from Industrial to Residential 7 (File # 2020-010). The second is a request from Bob Ruby to change the zoning designation of roughly 3 acres of land from Mixed Commercial to Residential 5 (File # 2020-012).

## BACKGROUND

This is the third review of the two rezone requests, the locations of which are shown in Figure 1. Each request is discussed separately below. The Planning Commission first reviewed the proposals at their May 19, 2020 meeting and then held public hearings on both proposals at their July 21 meeting. The public hearing record was held open until July 24 at 4:30PM.

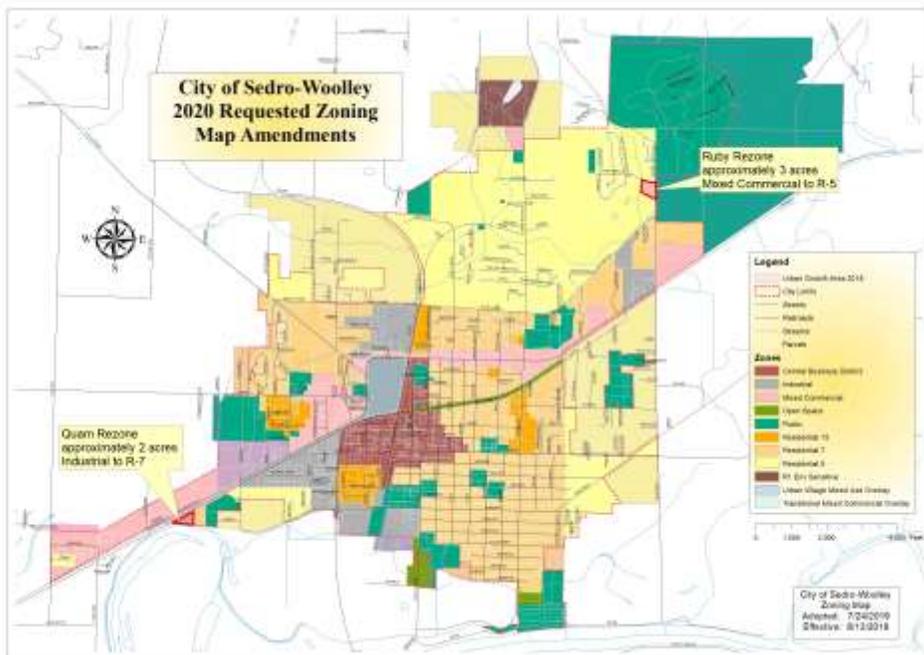


Figure 1 – Location in city of two rezone requests

Application # 2020-010 – a request to change zoning of Parcel P76524, a roughly 2.5 acre parcel, from Industrial to R-7. The property to the east is zoned R-7. The property to the north (across SR 20) is zoned Mixed Commercial. No public comments on this were received. The property to the south is outside of city limits and is an unopened right-of-way, which has no zoning use designation. To the south of that right-of-way, the land is zoned Agricultural-Natural Resources per the Skagit County zoning map. A close-up of the zoning map in the area is shown in Figure 2. See the July 21, 2020 staff report for more information.

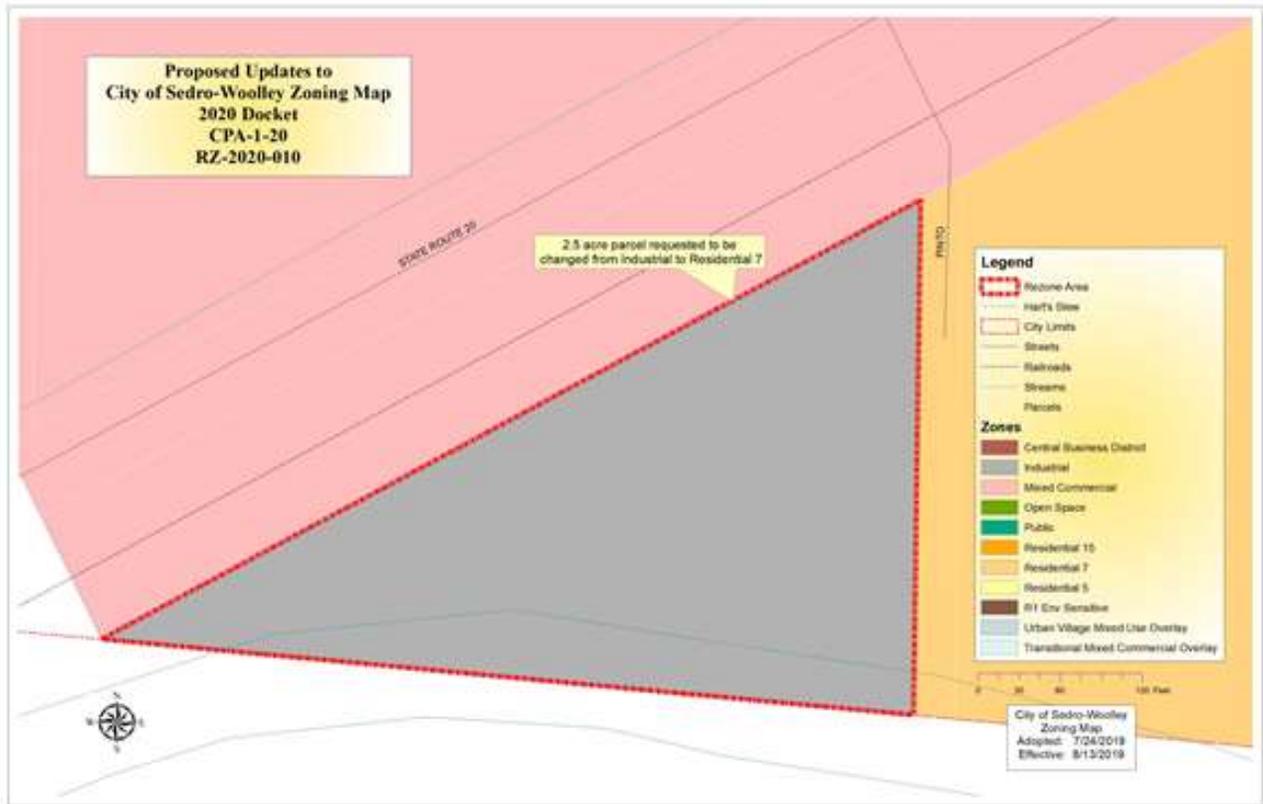


Figure 2 – Zoning map in the area of Quam Rezone Request RZ 2020-010

The property is located south of the State Route 20 and Burlington Northern Rail corridor, and north of Hart Slough (a side channel of the Skagit River). Access is from Pinto Lane, a private, gravel lane. The property is vacant and the applicant describes the use as unused pasture land. An aerial photo of the property is shown in Figure 3.

The applicants/owners, Richard and Janet Quam, requested the zoning change because: "Critical area buffer of 200 feet along Harts Slough would reduce useable area to approximately ¼ acre. For the parcel to be used for industrial purposes would require improved access road and improved BNSF railroad crossing along with sewer and water line under SR 20 and BNSF railroad." The applicant further states: "While this request pertains to property within the City of Sedro-Woolley UGA, the size of the property and its proximity to Harts Slough will be the determining factors. The required critical area 200-foot buffer for Harts Slough will reduce the useable land area to approximately ¼ acre. Thus, this request will have minimal impact on the population projections of Sedro-Woolley and any increase in developable land." As mentioned by the applicant there is a 200' fish and wildlife habitat conservation area buffer on Hart Slough per the Sedro-Woolley Critical Areas Ordinance (Chapter 17.65 SWMC); Figure 3 shows that buffer.



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

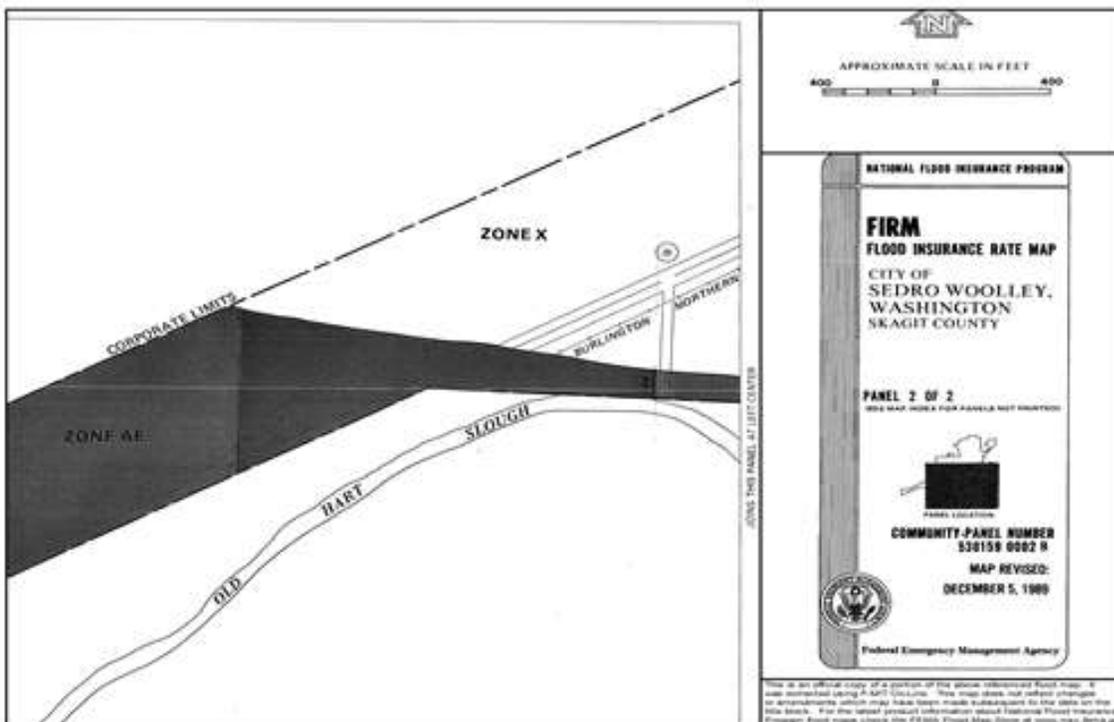


Figure 4 – FEMA FIRMette showing area around Quam property

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

Staff recommendation File# RZ-2020-010:

*Make a motion to recommend that the City Council approve amendments to the Comprehensive Plan and Zoning Maps proposed in RZ-2020-010 to change the zoning designation of Assessor's Parcel P76524 from Industrial to Residential 7.*

Application # 2020-012 – a request to change the zoning designation of a roughly three-acre portion of Parcel P39361 from Mixed Commercial to Residential 5 (R-5). A close-up of the zoning map in the area is shown in Figure 5.

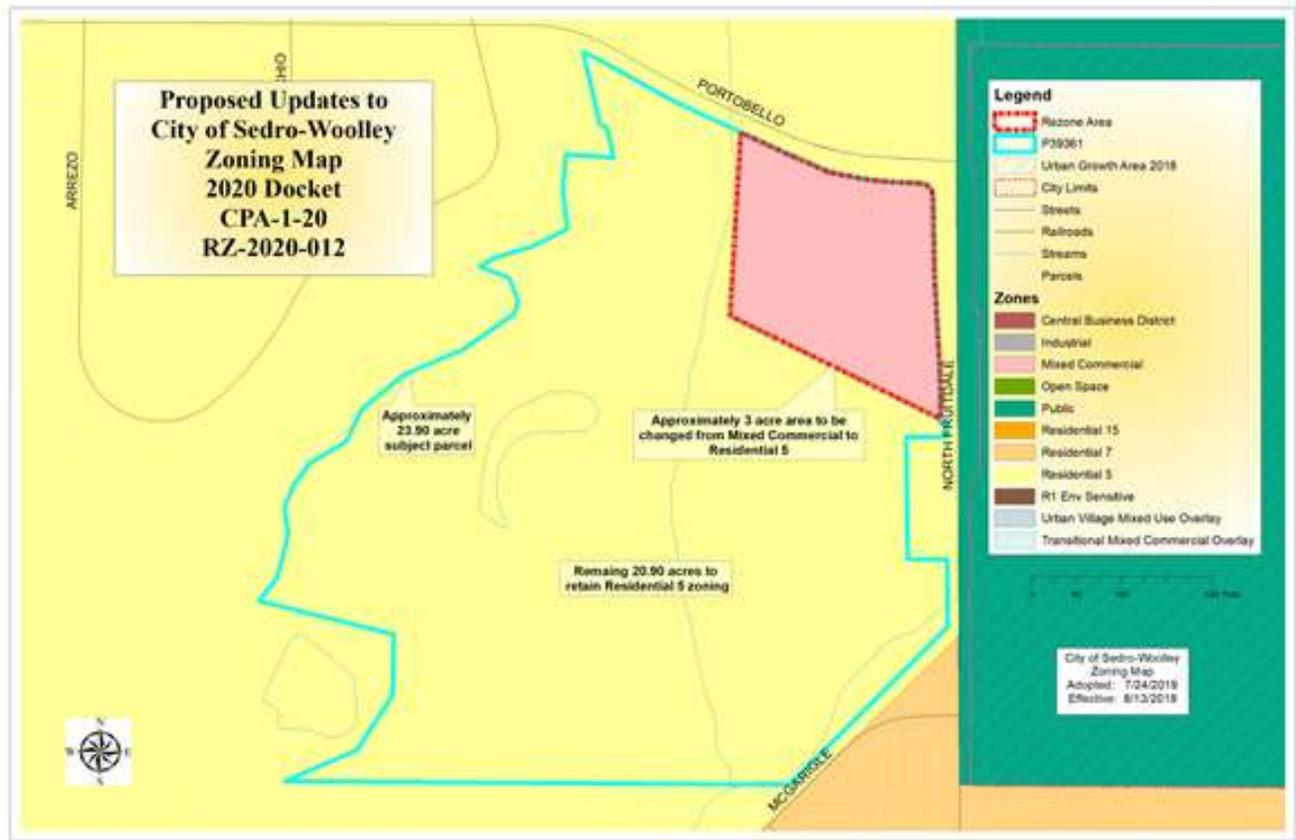


Figure 5 – Zoning map in the area of Ruby Rezone Request RZ 2020-012

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

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

Two watercourses run across parcel P39361. Brickyard Creek runs roughly east to west across the south of the parcel. An unnamed creek, a tributary of Brickyard Creek, runs north to south across the parcel. The unnamed creek is roughly the western boundary of the MC zoned area. Both of these

watercourses are fish-bearing (Type 3) according to the Washington State Department of Natural Resources. The creeks are subject to Chapter 17.65 SWMC, but are not subject to the Sedro-Woolley Shoreline Master Program.

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

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

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

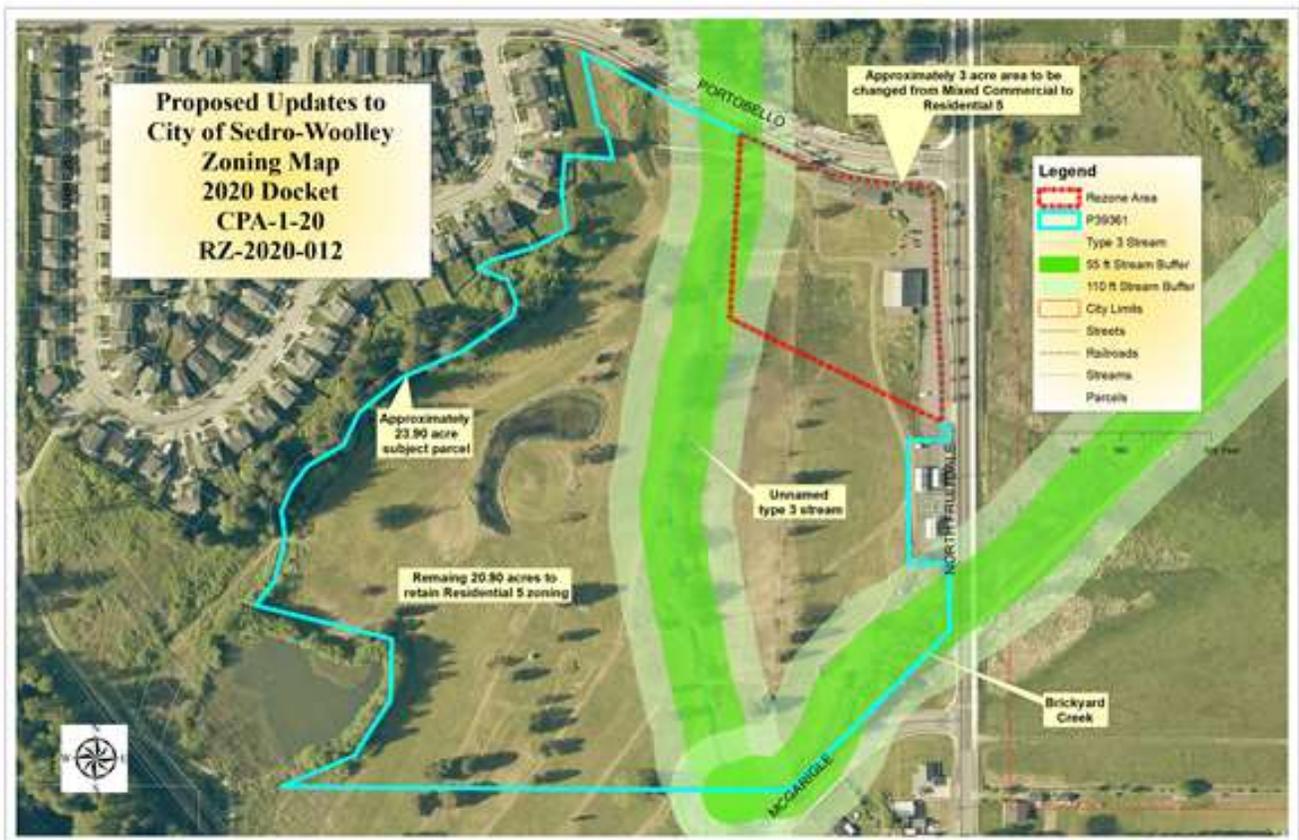


Figure 6 – Ruby rezone request showing 110' and alternate 55' buffer from creeks

The entire area that is proposed to be rezoned is estimated to be just shy of 3 acres. It is difficult to determine the precise maximum number of residential units that may be located on the property once it is rezoned. It is reasonable to estimate that roughly 2 to 2.8 acres are available after subtracting the critical areas. When calculating density for a PRD in the R-5 zone, 5 units per acre are allowed. Thus, this area might be allowed 10 to 14 units as a stand-alone PRD. If it were combined with the surrounding land as part of a subdivision, more units than that may be possible on this 3 acre area; however the 3-acre area would only contribute 10-14 units towards the allowed density of the PRD.

Public comments on this proposal are important. Four public comments were received on this proposal. Those comments are included in Attachment 2. Some of the comments were about the amount of water on the site. The area is known to be wet and/or ponded with water during the wet months. It is useful to understand the site conditions when reviewing its potential zoning (and thus its potential future uses). It is also important to keep in mind that the seasonal flooding issues associated with this land will have an effect on the land whether it remains Mixed Commercial or if it is rezoned as Residential 5. Any development of the land will be required to address the flooding.

Other public comments were about the previous state of the land prior to the development of the golf course. Staff retrieved as much information about the past development on the property as possible. Below is a brief account of the property's history.

The Gateway Golf Course was developed in 1972 by Al Fredlund, before the area was annexed. The City annexed the property – via Sedro-Woolley Ordinance #857 – in 1977. The golf course was permitted by a conditional use permit issued by Skagit County Board of Adjustments in 1971 (Attachment 1). That CUP had only one condition: "Detail parking and access plans be approved by County Engineer in County Planning Department prior to operation." Staff has reviewed the background information for that CUP permit application. There is no additional information in the background application materials that is not summarized and included in the CUP Approval.

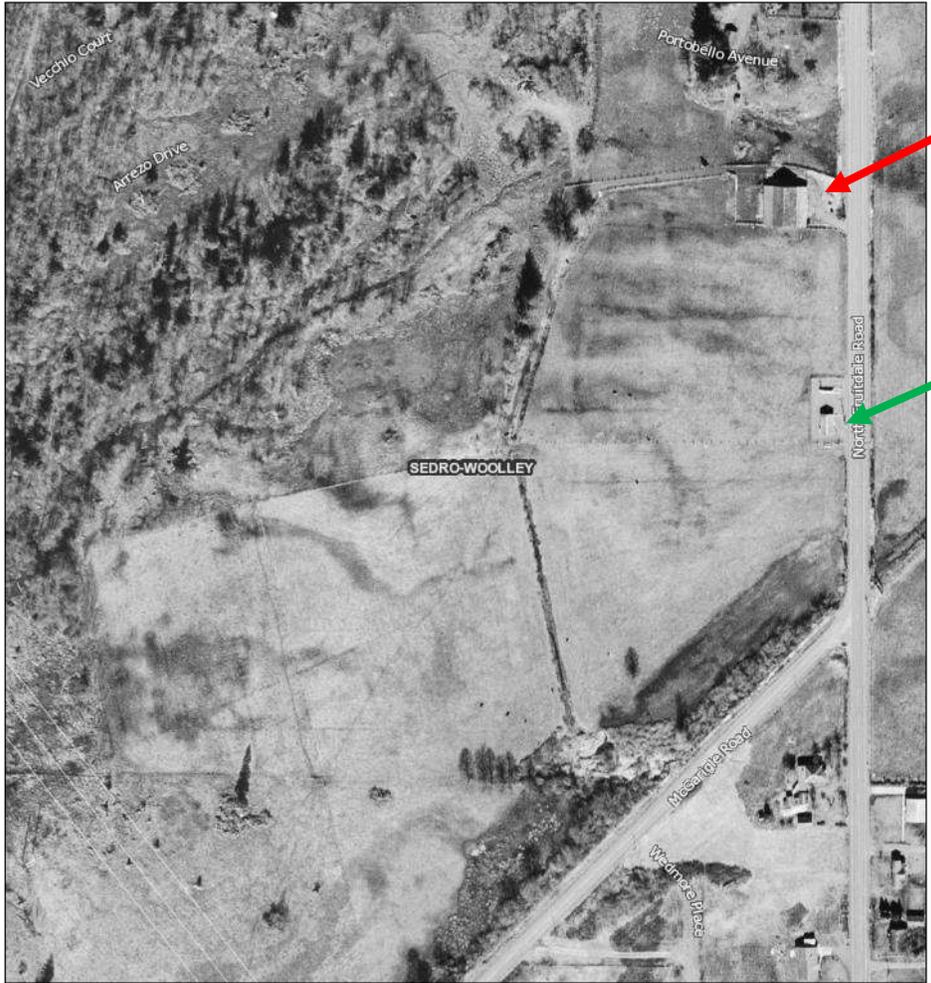
Figure 7 is an aerial photo from 1969 of the area, just a couple years before the golf course was built. The existing barn (red arrow) is visible in the top right portion of the image. The area requested to be rezoned is south of the Portobello ("Portobello" is written on the map, but the road is not built yet in this photo), southward to the gas transmission pump station (green arrow) that is visible on the west side of Fruitdale Road. The rezone area appeared to be a farm pasture in 1969.

Figure 8 is an aerial photo taken in 1937. This photo also shows the area to be pasture; the barn is again visible in the 1937 photo. The 1937 photo is low-resolution, so it is not easy to see much detail on the ground. It does appear to be cleared for pasture use.

Staff recommendation File# RZ-2020-012:

*The Planning Department recommends that the PC consider public comments carefully and make a motion that the City Council either approve or deny the requested amendments to the Comprehensive Plan and Zoning Maps to change the zoning designation of the approximately 3-acre portion of Assessor's Parcel P39361 that is currently designated Mixed Commercial to the Residential 5 zoning designation.*

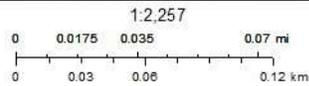
# Gateway Golf Course Location 1969



August 12, 2020

**Legend**

-  County Boundary
- City Names
- Road Labels
- Hydro Labels
- Regional Labels



**Data Accuracy Warning:** All GIS data was created from available public records and existing map sources. Map features have been adjusted to achieve a best-fit registration. While great care was taken in this process, maps from different sources rarely agree as to the precise location of geographic features. Map discrepancies can be as great as 300 feet.

Copyright 2016

Figure 7 – 1969 Aerial photo of area – before golf course

# Gateway Golf Course Location 1937

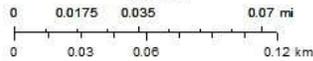


August 12, 2020

1:2,257

### Legend

- County Boundary
- City Names
- Road Labels
- Hydro Labels
- Regional Labels



**Data Accuracy Warning:** All GIS data was created from available public records and existing map sources. Map features have been adjusted to achieve a best-fit registration. While great care was taken in this process, maps from different sources rarely agree as to the precise location of geographic features. Map discrepancies can be as great as 300 feet.

Copyright 2016

Figure 8 – 1937 Aerial photo of area – before golf course

## Attachments

Attachment 1 – Board of Adjustments Approval of Gateway Gold Course

Attachment 2 – public comments received for Ruby Rezone – RZ-2020-012

**Attachment 1**

To August 18, 2020 PC Memo

Board of Adjustments Approval of Gateway Golf Course

SKAGIT COUNTY BOARD OF ADJUSTMENT

WRITTEN ORDER # 43

LUELLA HENRY  
SKAGIT COUNTY AUDITOR

'82 JAN 20 P3:23

CONDITIONAL USE

RECORDED \_\_\_\_\_ FILED \_\_\_\_\_  
REQUEST OF \_\_\_\_\_

ALBERT FREDLUND

*Planning Dept*

**8201200043**

This matter having come before the Skagit County Board of Adjustment under application filed with the Skagit County Planning Department on June 10, 1971 on behalf of Albert Fredlund requesting that a conditional use permit be granted to allow construction of a 9-hole golf course on the following described property:

The SE 1/4 of NW 1/4 north of abandoned railroad, and SE 1/4 of the NW 1/4 south and east of abandoned railroad, SW 1/4 of SE 1/4 north and West of the County Road, all in Section 18, Township 35 N, Range 5 E., W.M.

and, notice having been given to all property owners of record within 300 feet of said property, and

All matters in the file having been considered together with the testimony and exhibits in open hearing on August 12, 1971 and made a part of the record in this matter;

The Board makes the following findings of fact:

FINDINGS OF FACT

1. August 12, 1971 was fixed as the date of the public hearing on said application. All property owners of record within 300 feet of said property were given proper notice and Notice of Hearing was posted on said property;

**8201200043**

WOL 464 PAGE 557

Page 2  
Written Order # 43

2. The Board of Adjustment held a public hearing on August 12, 1971;
3. All interested parties present at the hearing were heard and all testimony and matters pertaining to the application were heard and considered;
4. Four of Five Board of Adjustment members were present at the hearing constituting a legal quorum. The Board, upon motion duly made and seconded, voted to approve the request;
5. Proposed use is located in a residential zoned area and is compatible with the adjacent property;
6. The County is in need of golf courses;
7. The proposed site is adequate in size and topography for a golf course;
8. The Board of Adjustment having duly considered the matter finds the conditional use request would not adversely affect the public interest and would not be adverse to the Public Health, Safety and General Welfare;
9. The Board approves the request with the following conditions:
  - A. Detail parking and access plans be approved by County Engineer and County Planning Department prior to operation.

Date of Action: August 12, 1971

  
PETE OLSEN, VICE CHAIRMAN  
SKAGIT COUNTY BOARD OF ADJUSTMENT

Copies transmitted to applicant  
on 10-5-71

8201200043

VOL 464 PAGE 558

17

## **Attachment 2**

To August 18, 2020 PC Memo

Public comments received for Ruby Rezone – RZ-2020-012

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.

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

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

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

Sedro-Woolley Planning Commission,

#RZ-2020-012

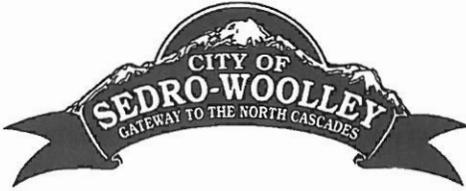
We live at 1275 Arrezo Dr., above the golf course. From our house, we watch the water rise and fall. Every year without fail large areas flood. On especially wet months, approximately 70% of the property is under water.

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



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

---

## **TRANSMITTAL & REPORT MEMORANDUM**

DATE: August 18, 2020

TO: Sedro-Woolley Planning Commission

REGARDING Proposed Amendments to Chapter 17.24 and 17.36 – Central Business District (CBD) Zone and Off-Street Parking and Loading

FROM:

\_\_\_\_\_  
Katherine Weir, Assistant Planner

The following amendments are proposed by the Planning Department and submitted to the Planning Commission for consideration. This report serves as the staff report for the proposed amendments and was submitted in accordance with Chapter 2.90 SWMC.

### **FINDINGS OF FACT**

#### **PROPOSAL**

Proposed are amendments to the Sedro-Woolley Municipal Code (SWMC) Ch. 17.24 SWMC – Central Business District (CBD) Zone and Ch. 17.36 SWMC – Off-Street Parking and Loading, to address the impacts of these regulations on residential and commercial development in the CBD. Currently, the zoning code exempts residential developments associated with a commercial use from the parking requirements through SWMC 17.24.050 and allows new commercial development in designated areas of the CBD to use city parking to meet parking requirements through SWMC 17.36.020. The proposed amendments to the above chapters are intended to address the City Council's concerns about the parking ramifications of new development that is not required to provide parking for residents. In particular, the potential impacts of SWMC 17.24.050(B)1.

#### **BACKGROUND**

SWMC 17.24.050(B)1, which is specific to parking in the CBD, exempts the developer of new buildings in the CBD from needing to provide any parking for the residential

dwelling in association with a commercial or retail use. This section is intended as an incentive for developers to build new commercial space in the CBD by allowing the associated residential uses to be built without on-site parking. On-site parking can be expensive to build and it takes up a lot of real-estate that may otherwise be used for commercial or residential space. By allowing residential development without parking, the developer should be able to afford to construct the commercial space which is important to the ongoing survival of the downtown business area. The full Parking rules for the CBD are in SWMC 17.24.050:

**17.24.050 Parking.**

A. Intent. To encourage the creation of a downtown parking district administered by the city. It would be authorized to collect in-lieu parking fees from new residential uses downtown and use that revenue, with any other revenue it generates, to manage a downtown parking district. The district may construct and maintain downtown parking for motor vehicles and bikes, lease parking, or otherwise monitor the provision of adequate parking and/or promotion of alternatives to driving.

B. The goal of the central business district is to create a pedestrian-friendly environment and to encourage commerce. Parking requirements in the downtown shall be as follows:

1. *There shall be no off-street parking requirement for residential dwellings in association with a commercial or retail use in the central business district. New commercial or retail development may propose a shared parking arrangement to the planning director for review and approval. (emphasis added)*

2. Parking for residential buildings that do not include commercial uses per Section [17.24.010\(A\)\(3\)](#) shall be accessed from the alley when an alley exists. The number of spaces required for residential buildings that do not include commercial uses 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

Rooms indicated on building plans as “office,” “extra room,” “play room” or other rooms that may reasonably be considered for use as a bedroom may be counted as bedrooms for parking purposes by the planning director.

3. There shall be a minimum off-street parking apron of twenty-five feet in length directly in front of all garage doors for residential buildings that do not include commercial uses per Section [17.24.010](#)(A)(3).

There is one more section of the municipal code that addresses parking in the downtown: SWMC 17.36.020(B). This section allows for new retail and restaurants in a specific portion of the CBD (**Attachment 2**) to use the existing city parking lots instead of developing new parking spaces on-site:

“New retail businesses and restaurants located in the area bounded on the north and west by the railroad rights-of-way, on the south by the alley in between State and Warner Streets, and on the east by Puget Avenue/4th Avenue may use the city-owned parking lots to accommodate the parking requirements in this chapter and in Chapter 17.24 SWMC. This area is substantially developed on zero setbacks from the right-of-way, making it impractical to provide on-site parking to satisfy the purpose and intent of this chapter.”

This section is intended to allow new retail and restaurant businesses to locate in old buildings without having to provide parking when a building does not have a parking lot. Most existing buildings in the core of the CBD do not have their own off-street parking; this code was put in place to encourage new retail and restaurants.

SWMC 17.36.020(B) can also be applied to new buildings. Together with the lack of a requirement for residential parking in SWMC 17.24.050(B)1 and the allowance for no parking in certain commercial uses as described in SWMC 17.36.020(B), a situation could arise where no parking is provided for a new project (for example, if the first floor is entirely retail and the top floors are all residential). However, if a new building is built downtown that does not have new retail or restaurant space, it would be required to provide the usual parking required for the commercial space per SWMC 17.36.030. SWMC 17.36.030 specifies the number of parking spaces per square foot of commercial space, based on the size of the commercial space and proposed use.

There is concern that if developers build new mixed-use buildings in the CBD under the current code, the lack of parking requirements combined with the minimal restrictions for number of units allowed for the residential uses would have a negative impact on the available parking in the CBD. The PC reviewed the parking requirements at their February 18 and June 16, 2020 meetings and proposed code amendments to address these concerns. Based on the analysis section of this report below, planning staff has recommended further amendments to the proposed code.

The original proposed code changes, as seen in **Attachment 1**, included amendments to SWMC 17.24.050 and SWMC 17.36.020. The amendments to SWMC 17.24.050 addressed the potential parking impacts of residential uses and set a lower parking requirement for residential uses that are associated with a commercial use than those independent of a

commercial use. The amendments to SWMC 17.36.020 addressed new commercial and residential uses by specifying that new retail businesses and restaurants located in an existing building within the designated area (see map in **Attachment 2**) may use the city-owned parking spaces to accommodate the parking requirements. The amendments stated that new buildings that contain commercial space will be required to provide parking per the commercial parking requirements in Ch. 17.36 SWMC.

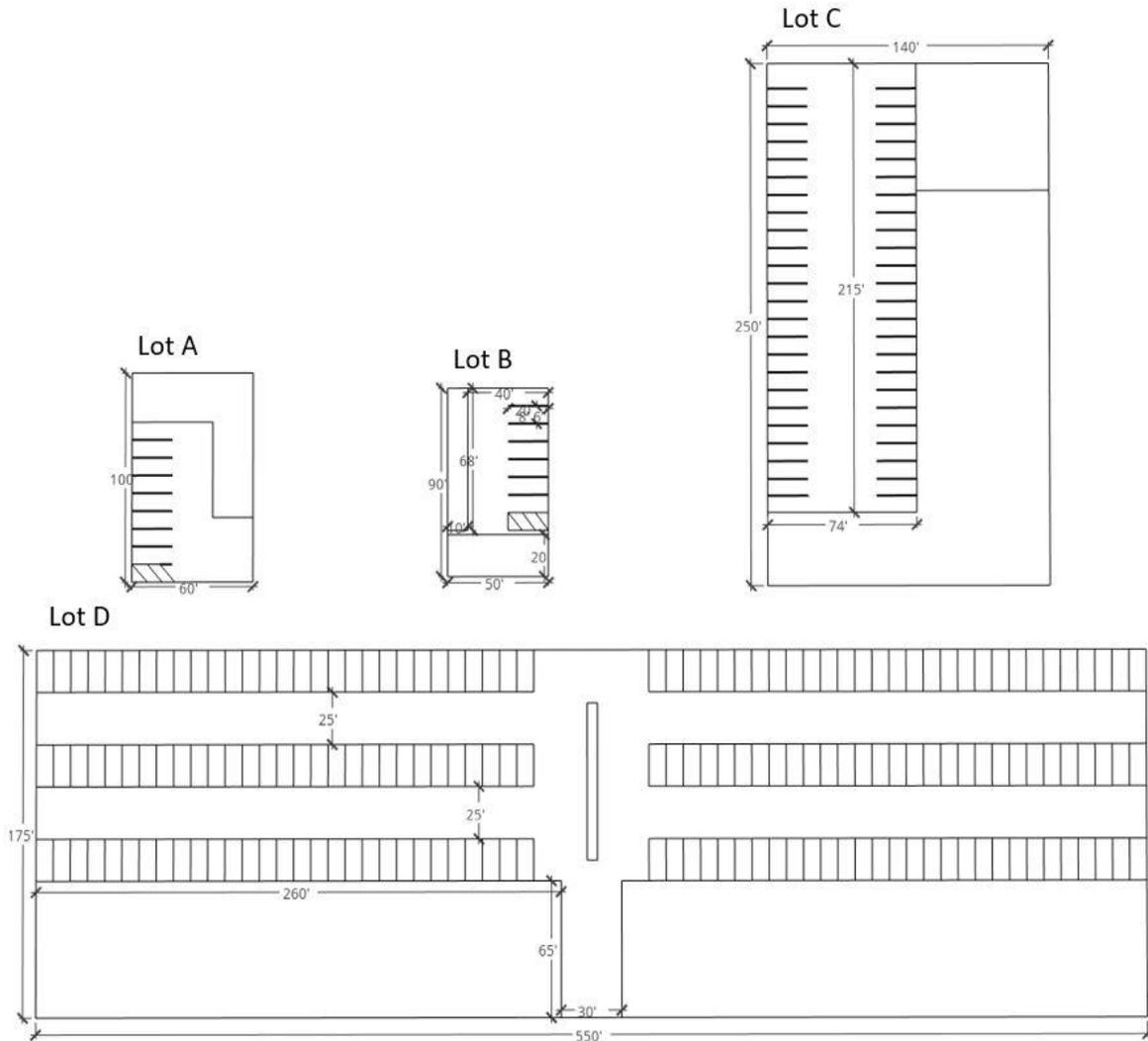
As requested by the PC at the June 16, 2020 meeting, planning staff has prepared scenarios with illustrations based on existing lots in the CBD. The illustrations show how the proposed code amendments will affect potential development in the CBD. Planning staff analyzed four theoretical lots based on existing lots. Two of those lots are assumed to be within the boundary described in SWMC 17.36.020 and two lots outside that boundary. The illustrations are based on the first draft of proposed code (**Attachment 1**) and explore how both commercial-only and mixed-use developments would be affected by the original proposed code amendments. Based on the findings of those analyses, staff has proposed further revisions to the municipal code as seen in **Attachment 3**.

Please note that these illustrations are very basic with the sole intent to succinctly demonstrate how the proposed code changes affect potential development within the CBD. The lots shown below are theoretical and these illustrations do not dictate the development possibilities of the specific lots nor the CBD as a whole.

#### **ANALYSIS**

Staff applied the original proposed code amendments to four theoretical lots that are based on existing lots in the CBD. For the purpose of this analysis, two small lots, one medium, and one large lot were chosen to best demonstrate how the original proposed code will affect development over a variety of lot sizes.

Each lot was analyzed under the assumption of a minimal commercial use and the maximum residential units per lot. The lots are labeled alphabetically, from lots A and B being the smallest, lot C being the medium lot and lot D being the largest. The lots were all drawn to the same scale and analyzed individually. The image below shows the subject lots in relation to each other.

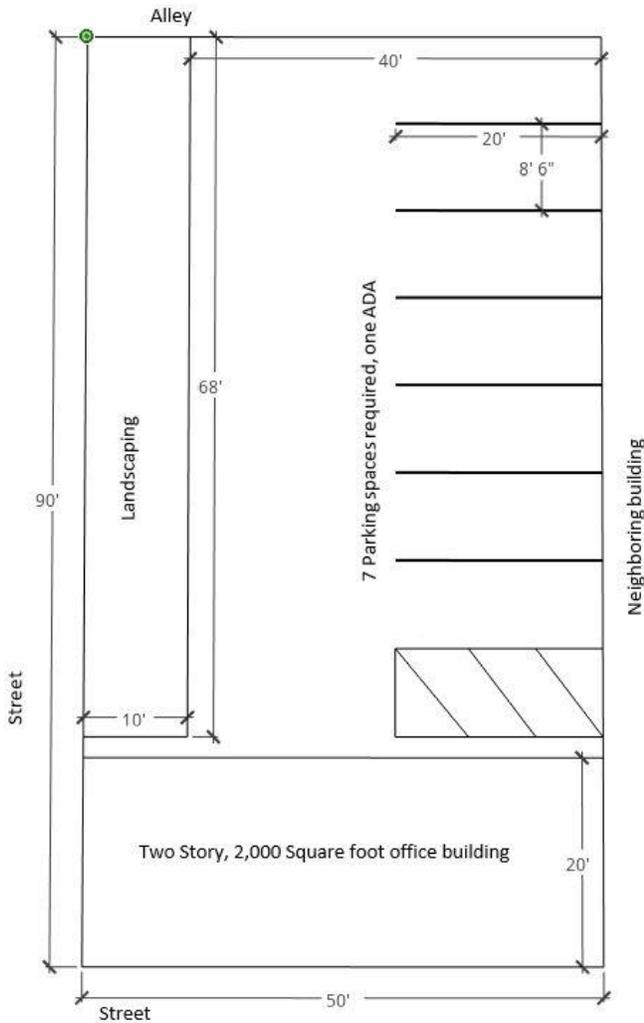


Lot A

Lot A is located within the blue boundary as seen in **Attachment 2** and is a corner lot with an alley along its northern property line, a somewhat busy street along its western property line, a busy main street along its southern property line and an existing building along its eastern property line. Under the current code, the lot can be developed up to the property lines with however much commercial/retail space on the first floor in the front and however many residential units the potential developer sees fit without any parking requirements. There are flexible options for the lot under current code. Assuming the building uses the entire 50' by 90' lot, the footprint is 4,500 square feet. The downstairs could be all commercial. The upper four stories could accommodate 18,000 square feet of residential (assuming a 60-foot tall building), which could equal roughly seven small units per floor (28 total units).

The image below shows a scenario under the first draft of proposed code (**Attachment 1**). Per that draft code, a new building would be required to provide on-site parking for both commercial and residential uses. As a result, the building footprint will need to be much smaller than it would under the existing standards. Because an alley is available, it is required to access parking from the alley rather than the street. After providing parking per

the draft amendments, the lot can only accommodate a structure with a footprint of 1,000 square feet. One possible scenario is a two story, 2,000 square foot building with office space on both floors, the required parking (one space per every 300 square feet of gross area) and some landscaping to mitigate the impact of the parking lot on the street front. A second option is to include residential uses upstairs instead of office space. The proposed draft rules would allow for only three studio units or three one-bedroom apartments with the shown parking layout.



Under the proposed code, an eating and drinking establishment becomes difficult or impossible for this lot. The parking requirement for an eating and drinking establishment is one space per every 75 square feet of area open to the public. Roughly 500 square feet of space would be allowed to be open to the public on this lot, and that would include any outdoor seating. No residential units would be feasible in association with an eating and drinking establishment on this lot under the first draft proposed code because of the parking that would be necessary.

*Lot Size to Parking Ratio:*

Overall lot area: 4,500 square feet

Parking area (proposed code): 2,720 square feet

Lot B

Lot B is located outside of the blue boundary and is a relatively small corner lot with busy streets along the northern and eastern property lines, a building along the west and an alley along the southern property line. The figures below show potential development per the

current code regulations on the left and the first draft proposed code on the right. Each assumes that the commercial use will be office space, and is therefore basing the parking requirement off of the office standard: one parking space/300 sqft of gross floor area.

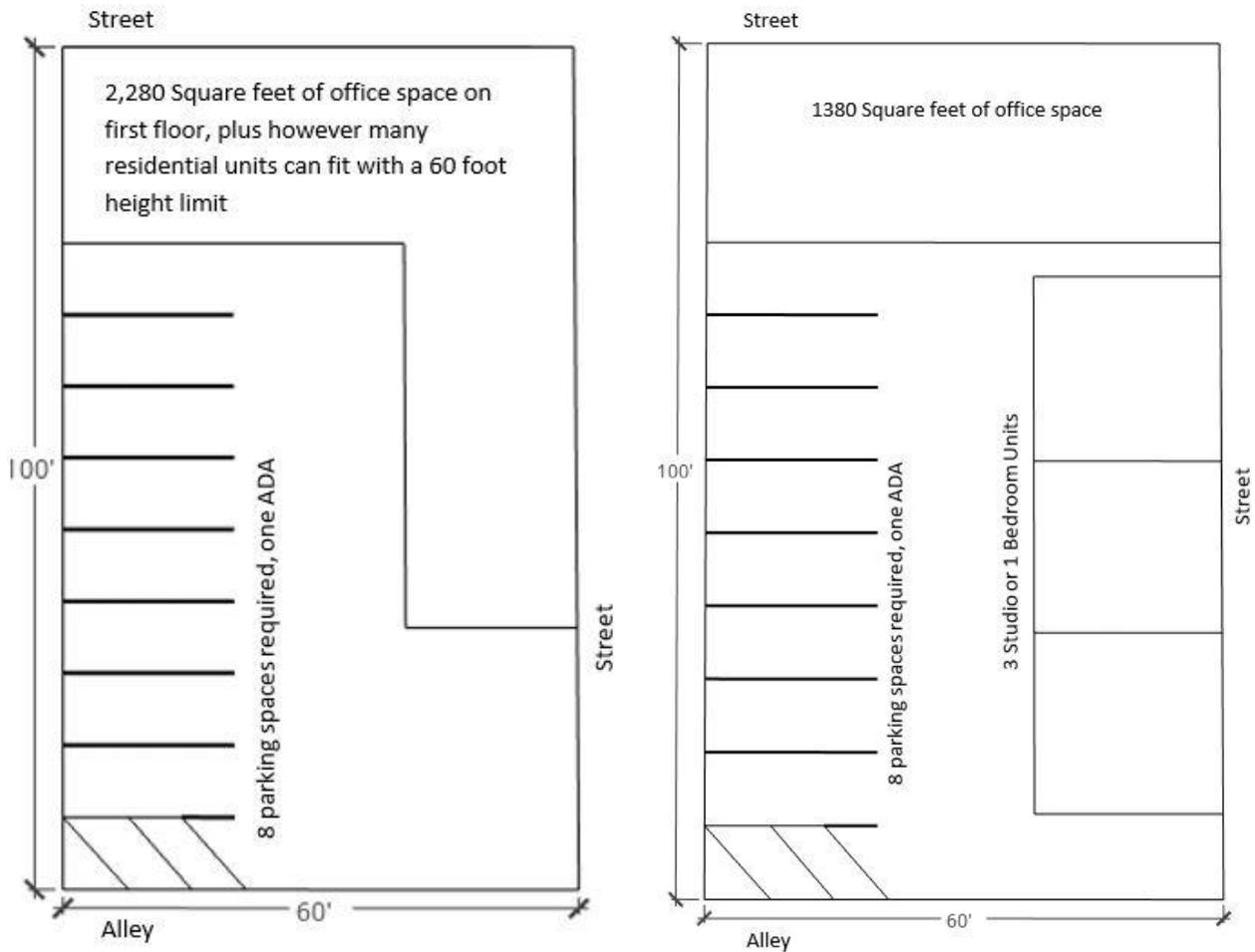
Because this lot is outside of the blue boundary, under the current code, the lot must provide parking for the commercial use but not residential. The lot can accommodate up to 2,280 square feet of office space and however many residential units can fit within the building and left over lot space with a 60 foot height limit. Eight parking spaces would be required for this amount of office space, one of which must be ADA.

Under the first draft proposed code, 1,380 square feet of office space would be allowed plus 3 studio or 1-bedroom units. This scenario is based on eight parking spaces, as that is what fits reasonably on the lot.

*Lot Size to Parking Ratio:*

Overall lot area: 6,000 Square feet

Parking area: 3,060 Square feet

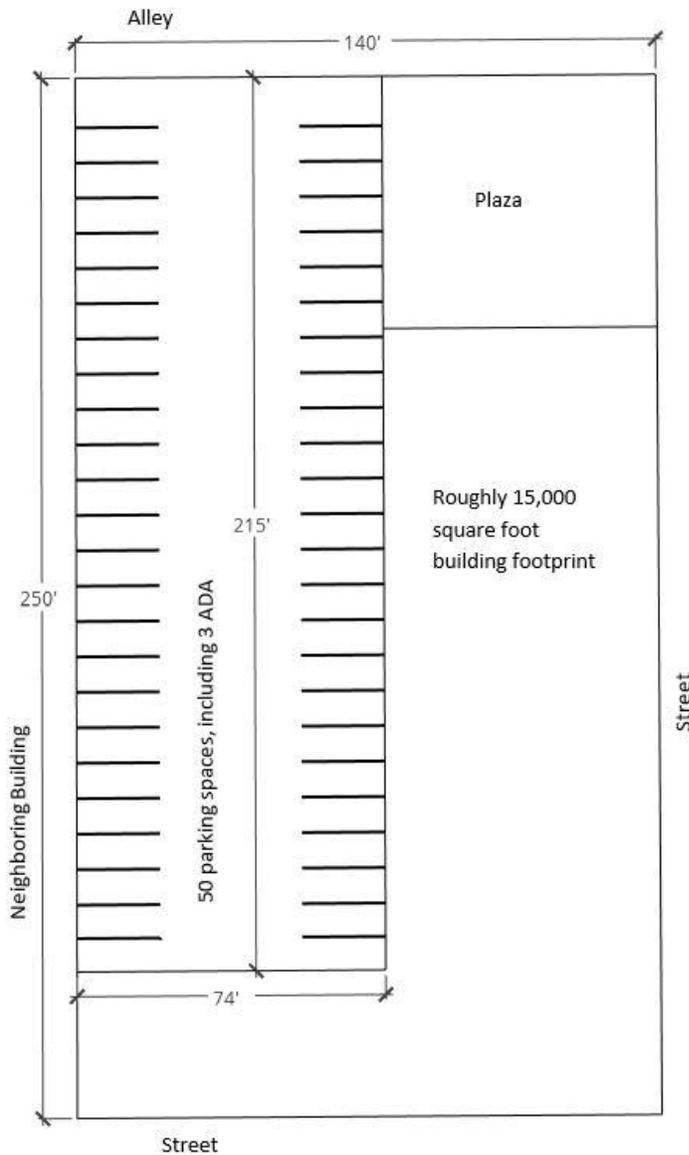


Lot C

Lot C is a corner lot within the blue boundary, with an alley along the north property line, street frontage along the eastern and southern property lines, and a neighboring building along the western property line.

Because this lot is within the blue boundary, Lot C has flexible possibilities under the current code and parking is required for neither the retail /restaurant uses nor the residential use. Under the existing code, the 250' by 140' lot could accommodate a 60' tall building with a footprint of 35,000 square feet. Assuming a five story building, the total square-footage of such a building is 175,000 square feet. Thus 35,000 square feet of retail and restaurant uses and 120 1-bedroom units (based on a reduction of 15% per floor for access/utilities and 1,000 sf per unit) can be accommodated at maximum density. That

would require at least 190 parking spaces under the draft rules (assuming low-intensity sales and service parking standard of 1 space per 400 four hundred square feet of gross floor area). If uses that require more parking – such as a restaurant (one space per seventy-five square feet of area open to the public), then even more parking is necessary.



Running a scenario on a medium-sized lot under the first draft of proposed code was complicated, as calculating the parking for a lot that allows multiple buildings with different uses becomes uncertain. The image to the left shows the lot with what planning staff believes would be a reasonable layout for a development, based on design standards and other requirements relevant in the CBD. The image is based on the draft code amendments in Attachment 1 and shows a scenario in which the building can be either 15,000 square feet of office space, with 50 parking spaces required, or some combination of other uses that result in 50 parking spaces being required. A plaza was added as a pedestrian feature. Such public developments are desirable in

the CBD, especially along the street frontage and there was an awkward amount of space left over from the parking and building placement.

With the building footprint and parking as shown (15,000 square foot building footprint and 50 parking spaces), under the proposed code in **Attachment 1**, planning staff envisioned a scenario that divides the parking evenly between an office use and associated residential units. In this scenario, 7,500 square feet of office space (situated along the frontage of the lot) would be possible and 20 studio or one-bedroom units would be possible, each use requiring 25 parking spaces.

*Lot Size to Parking Ratio:*

Overall lot area: 35,000 square feet

Parking area (proposed code): 15,910 square feet

Lot D

Lot D is the largest lot, with buildings on all sides of the lot except the southern property line, where the lot faces the street. This lot is not located within the blue boundary described in SWMC 17.36.020. For this illustration, planning staff situated the buildings along the street and left room for a 30 foot wide access point along the frontage.

The illustrated layout below shows 174 parking spaces and two 16,900 square foot building footprints. If the entirety of the buildings lower floor were office space, 113 parking spaces would be required. Planning staff chose to include 174 spaces to account for the possibility of multiple uses, as the lot is so large. Eating and drinking establishments, high intensity retail and other uses that require more parking spaces would be feasible on this lot under both the current and first draft proposed code.

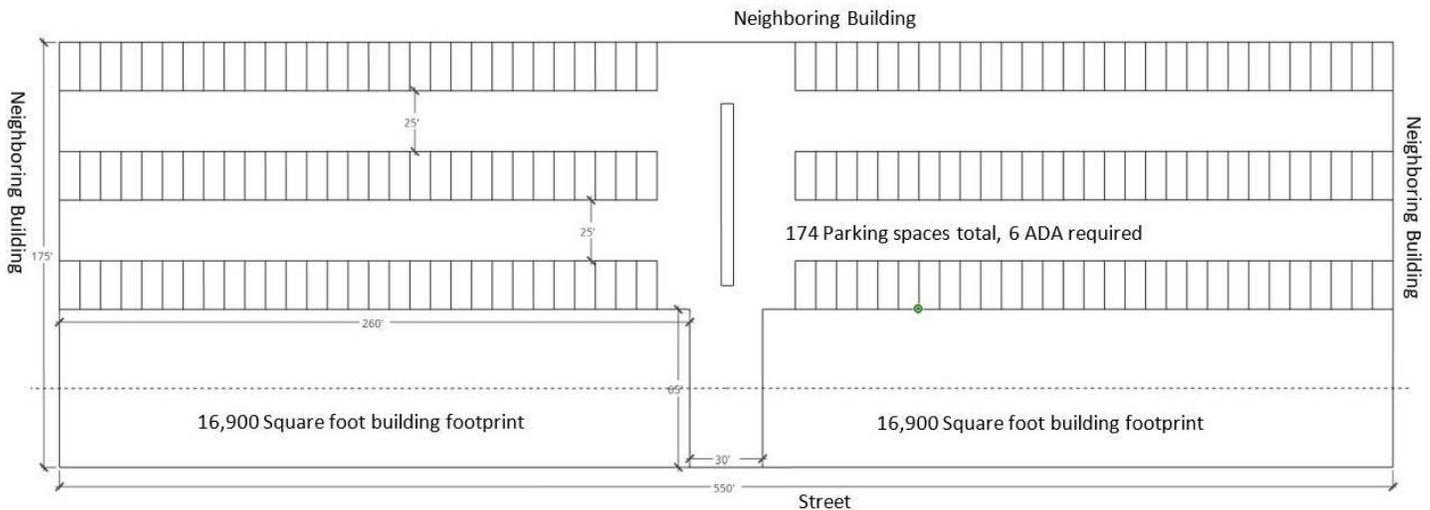
Under the current code, any commercial/retail development would be required to provide the associated parking for the specific commercial/retail use and no additional parking for any associated residential uses. A developer could use the below layout and provide 16,900 square feet of commercial space (half the building frontages along the street, as illustrated by the dotted line) and however many residential units would fit within a building height of 60 feet. With the shown building footprint, totaling 33,880 square feet on the lower floor, half of that space dedicated to commercial/retail and a 60 foot height limit, a developer could potentially place hundreds of residential units on this lot without any additional parking.

Under proposed code, the number of residential units would be controlled by the number of parking spaces a developer can accommodate in their plan. For a lot this size, the first draft of proposed code significantly reduces the likelihood of negative impacts on the available parking in the CBD.

*Lot Size to Parking Ratio:*

Overall lot area: 96,250 square feet

Parking area: 60,500 square feet



**Proposed Additional Amendments**

To address the issues identified above, staff recommends additional amendments to the code. As demonstrated by the above illustrations, the original proposed amendments have a disproportionate impact on smaller lots in the CBD. Planning staff recommends amendments to the proposed code to set a threshold for number of units per lot and square feet of commercial/ retail use before off-street parking is required. The proposed code amendments include a tiered system for off-street parking requirements for new development in the CBD and can be seen in **Attachment 3**.

The intent of the first draft of proposed code amendments was to prevent large developments in the CBD from impacting the city owned parking in the downtown area. As demonstrated by the above illustrations, the original proposed code changes did reduce the likelihood of such impacts for development on large lots, but development on small lots became very limited. Development on medium lots was somewhat limited, but it is clear that a reduced parking requirement would be ideal. Thus, planning staff recommends a three tiered approach to parking requirements in the CBD. Tier one would apply to small lots, tier two would apply to medium lots and tier three to large lots. The numbers that define each tier in the table seen in **Attachment 3** are considered a rough draft and are intended as a starting point for discussion.

Tier one is for small lots as they can't accommodate parking and the downtown area is not designed for buildings with parking lots. Tier one requires no off-street parking for commercial/retail or residential associated with commercial/retail use within the blue boundary and reduced parking for residential uses associated with a commercial use outside of the boundary.

Tier two is for medium lots that can accommodate some parking. As demonstrated by the illustration for Lot C, medium lots need to provide some off-street parking for residential uses associated with a commercial use to prevent parking problems in the rest of the CBD. Tier two will have a reduced parking requirement. Tier two requires reduced off-street parking for residential units associated with commercial use within *and* outside of the boundary described in 17.36.020, no off-street parking for commercial/retail within the boundary and standard parking required for commercial/retail use located outside of boundary.

Tier three is for large lots that can accommodate most if not all of the parking that a typical new development would be required to provide, however it is the CBD, so there should be a reduced parking requirement since it walkable and not a car-oriented area. Goods and services and public transportation are available, so a reduction in parking is recommended. However, due to its size, it clearly needs to provide a significant amount of parking to reduce the impacts on the downtown. Tier three requires Standard off street-parking for commercial/retail within *and* outside of the boundary described in 17.36.020 and reduced off-street parking for residential uses associated with commercial/retail located within *and* outside of boundary.

The intent of the recommended additional code amendments is to encourage diverse development possibilities on smaller lots in the CBD and ensure that large developments will not significantly impact the city owned parking in the downtown area.

The proposed amendments are supported by and implement the Housing and Land Use Elements of the Sedro-Woolley Comprehensive Plan:

Policy H2.4: Encourage affordable housing types units and revitalization of unused residential spaces above the retail buildings in the historic downtown area.

Policy H2.6: Evaluate local development regulations for effects on housing costs. Change development regulations that unnecessarily add to housing costs.

Policy H4.2: Encourage retail-compatible mixed uses (including residences) on the second floor in the central business district.

Policy LU5.1: Focus commercial development in the central business district and discourage strip commercial development.

Policy LU5.3: Seek and support developments that further the community character of Sedro-Woolley.

Policy LU5.8: Encourage high standards of appearance in all residential areas and in other high visibility areas.

Policy LU19.1: Encourage the use of alternative modes of transportation, such as, carpooling, public transit, walking, and biking, in order to reduce the amount of automobile emissions.

### **PROPOSAL REVIEW PROCESS**

- Planning Commission review of the proposed amendments of Ch. 17.24 and 17.36 SWMC at the June 16, 2020 Planning Commission meeting.
- Public Notice of the August 18, 2020 Planning Commission Hearing was published in the Skagit Valley Herald on August 8, 2020.
- Notice of the proposed amendments were submitted to the Washington State Department of Commerce on June 23, 2020 – Submittal ID 2020-S-1503.

### **RECOMMENDATION:**

Staff recommends that the Planning Commission review the proposed amendments in chapter in Title 17.24 and 17.36 SWMC, hold a public hearing, discuss the amendments and:

Review the illustration and associated proposed amendments to Chapters 17.24 and 17.36 SWMC and propose further amendments as necessary.

### **ATTACHMENTS:**

1. 1<sup>st</sup> Draft Proposed amendments to 17.24.050 SWMC and 17.36.20 SWMC
2. Map of area over which SWMC 17.36.020(B) applies
3. Staff Proposed amendments to 17.24.050 SWMC and 17.36.20 SWMC
4. Notice of Public Hearing

# Attachment 1

1<sup>st</sup> Draft Proposed amendments to 17.24.050 SWMC and 17.36.20 SWMC

## 17.24.050 SWMC - Parking.

A. Intent. To encourage the creation of a downtown parking district administered by the city. It would be authorized to collect in-lieu parking fees from new residential uses downtown and use that revenue, with any other revenue it generates, to manage a downtown parking district. The district may construct and maintain downtown parking for motor vehicles and bikes, lease parking, or otherwise monitor the provision of adequate parking and/or promotion of alternatives to driving.

B. The goal of the central business district is to create a pedestrian-friendly environment and to encourage commerce. Parking requirements in the downtown shall be as follows:

1. There shall be no off-street parking requirement for residential dwellings in association with a commercial or retail use in the central business district. New commercial or retail development may propose a shared parking arrangement to the planning director for review and approval. The number of off-street parking spaces required for residential dwellings in association with a commercial or retail use in the central business district shall be as follows:

<u>Studio</u>	<u>1 space</u>
<u>1 bedroom</u>	<u>1 spaces</u>
<u>2 bedrooms</u>	<u>1.5 spaces</u>
<u>3 or more bedrooms</u>	<u>1 space per bedroom up to 2 bedrooms, 0.5 space per additional bedroom over 2 bedrooms</u>
<u>Visitor/overflow spaces</u>	<u>1 additional space per 10 units</u>

Rooms indicated on building plans as “office,” “extra room,” “play room” or other rooms that may reasonably be considered for use as a bedroom may be counted as bedrooms for parking purposes by the planning director.

2. Parking for residential buildings that do not include commercial uses per Section [17.24.010\(A\)\(3\)](#) shall be accessed from the alley when an alley exists. The number of spaces required for residential buildings that do not include commercial uses 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

Rooms indicated on building plans as “office,” “extra room,” “play room” or other rooms that may reasonably be considered for use as a bedroom may be counted as bedrooms for parking purposes by the planning director.

3. There shall be a minimum off-street parking apron of twenty-five feet in length directly in front of all garage doors for residential buildings that do not include commercial uses per Section [17.24.010\(A\)\(3\)](#).

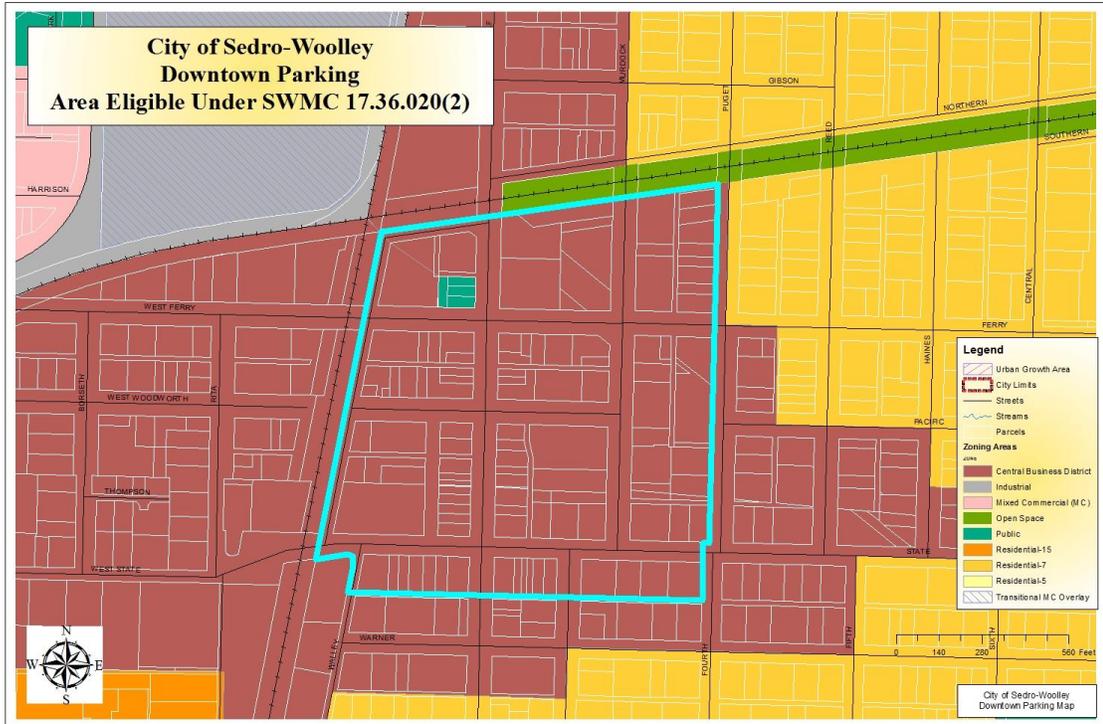
17.36.020 SWMC - Location—Restrictions.

A. Off-street parking spaces required shall be located off the public right-of-way in an area with appropriate zoning, and within five hundred feet walking distance of a public entrance to the building served. Parking spaces may be located within the required setback areas except that they shall not be located within any required vision clearance triangle.

B. “New retail businesses and restaurants located in an existing building within the area bounded on the north and west by the railroad rights-of-way, on the south by the alley in between State and Warner Streets, and on the east by Puget Avenue/4th Avenue may use the city-owned parking lots to accommodate the parking requirements in this chapter and in Chapter 17.24 SWMC. This area is substantially developed on zero setbacks from the right-of-way, making it impractical to provide on-site parking to satisfy the purpose and intent of this chapter. New buildings that contain commercial space shall provide commercial parking per the commercial parking requirements in this chapter.”

## Attachment 2

Map of area over which SWMC 17.36.020(B) applies



## Attachment 3

Staff Proposed amendments to 17.24.050 SWMC  
and 17.36.20 SWMC

### 17.24.050 SWMC - Parking.

A. Intent. To encourage the creation of a downtown parking district administered by the city. It would be authorized to collect in-lieu parking fees from new residential uses downtown and use that revenue, with any other revenue it generates, to manage a downtown parking district. The district may construct and maintain downtown parking for motor vehicles and bikes, lease parking, or otherwise monitor the provision of adequate parking and/or promotion of alternatives to driving.

B. The goal of the central business district is to create a pedestrian-friendly environment and to encourage commerce. Parking requirements in the downtown shall be as follows:

1. There shall be no off-street parking requirement for residential dwellings in association with a commercial or retail use in the central business district for up to 10 units per lot. New commercial or retail development may propose a shared parking arrangement to the planning director for review and approval. The number of off-street parking spaces required for commercial or retail use and residential dwellings in association with a commercial or retail use in the CBD shall be as follows:

Tier 1	<u>Smaller lot development of new buildings with no more than 2,000 square feet of retail/commercial space and up to 10 residential units associated with a commercial use.</u>	<u>No off-street parking required for commercial/ retail or residential associated with commercial/retail use within boundary described in 17.36.020, reduced residential parking in areas outside of boundary, standard off street parking for commercial/retail outside of boundary.</u>
Tier 2	<u>Medium lot development of new buildings with 2,000 to 6,000 square feet of commercial/retail use and up to 30 residential units associated with a commercial use.</u>	<u>Reduced off-street parking required for residential use associated with commercial use within and outside of boundary described in 17.36.020. No off street parking for commercial/retail within boundary and standard parking required for commercial/retail use located outside of boundary.</u>
Tier 3	<u>Large scale development of new buildings with over 6,000 square feet of commercial/retail space and over 30 residential units associated with a commercial/retail use.</u>	<u>Standard off street-parking required for commercial/retail within and outside of boundary described in 17.36.020. Reduced off-street parking required for residential uses associated with commercial/retail located within and outside of boundary.</u>

Reduced residential parking:

<u>Studio</u>	<u>1 space</u>
<u>1 bedroom</u>	<u>1 spaces</u>
<u>2 bedrooms</u>	<u>1.5 spaces</u>
<u>3 or more bedrooms</u>	<u>1 space per bedroom up to 2 bedrooms, 0.5 space per additional bedroom over 2 bedrooms</u>
<u>Visitor/overflow spaces</u>	<u>1 additional space per 10 units</u>

Rooms indicated on building plans as “office,” “extra room,” “play room” or other rooms that may reasonably be considered for use as a bedroom may be counted as bedrooms for parking purposes by the planning director.

2. Parking for residential buildings that do not include commercial uses per Section [17.24.010\(A\)\(3\)](#) shall be accessed from the alley when an alley exists. The standard number of spaces required for residential buildings that do not include commercial uses or are categorized as a tier 3 development 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

Rooms indicated on building plans as “office,” “extra room,” “play room” or other rooms that may reasonably be considered for use as a bedroom may be counted as bedrooms for parking purposes by the planning director.

3. There shall be a minimum off-street parking apron of twenty-five feet in length directly in front of all garage doors for residential buildings that do not include commercial uses per Section [17.24.010\(A\)\(3\)](#).

**17.36.020 SWMC - Location—Restrictions.**

A. Off-street parking spaces required shall be located off the public right-of-way in an area with appropriate zoning, and within five hundred feet walking distance

of a public entrance to the building served. Parking spaces may be located within the required setback areas except that they shall not be located within any required vision clearance triangle.

B. “New retail businesses and restaurants located in an existing building within the area bounded on the north and west by the railroad rights-of-way, on the south by the alley in between State and Warner Streets, and on the east by Puget Avenue/4th Avenue may use the city-owned parking lots to accommodate the parking requirements in this chapter and in Chapter 17.24 SWMC. This area is substantially developed on zero setbacks from the right-of-way, making it impractical to provide on-site parking to satisfy the purpose and intent of this chapter. New buildings that contain commercial space or residential space associated with commercial space shall provide parking in accordance with the tiered parking requirements described in 17.24.050 SWMC and this chapter.”

**Attachment 4**  
Notice of Public Hearing

**NOTICE OF PUBLIC HEARING**  
**CITY OF SEDRO-WOOLLEY**  
**Amendments to Development Regulations**  
**Virtual Online Meeting via Zoom Webinar**

The City of Sedro-Woolley Planning Commission will hold a public hearing on **August 18, 2020 at 6:30 PM**, via Zoom Webinar, to hear testimony regarding following proposed amendments to the City Development Regulations:

1. Proposed amendments to Title 17 of the Sedro-Woolley Municipal Code – Zoning – to address parking requirements the Central Business District

Interested parties can comment on the proposed changes in writing or at the hearing. Written comments will be read into the public record and **must be received by 4:00PM Aug. 18, 2020** to be considered at this public hearing. Send written comments to: City of Sedro-Woolley Planning Department, ATTN: Assistant Planner, 325 Metcalf Street, Sedro-Woolley, Washington, 98284, or by email to [kweir@ci.sedro-woolley.wa.us](mailto:kweir@ci.sedro-woolley.wa.us).

Please use the link below to join the webinar:

<https://zoom.us/j/97890927920?pwd=azBTUUlubGgyM2xmRGszNmk4RURKdz09>

Or Telephone:

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

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

Webinar ID: 978 9092 7920

Password: 937994

Published in the Skagit Valley Herald: August 8, 2020