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MEMO:

To: Sedro-Woolley Planning Commission

From: John Coleman, AICP
Planning Director

Date: March 15, 2016

Subject: CPA-1-15 – Updates to Intro/Vision Statement, Land Use Element and Economic Development Element of the Comprehensive Plan and Critical Areas Ordinance

ISSUE

The Washington State Growth Management Act (GMA) requires all cities in Skagit County to update their Comprehensive Plan by June 30, 2016. The Sedro-Woolley Planning Commission (PC) has been working on revisions to the Comprehensive Plan for several years. The Public Utilities, Housing and Parks & Recreation Elements have already been updated to meet the 2016 GMA update requirements. The Capital Facilities Element is being reviewed as part the 2014 Docket and is will be reviewed by the PC at a separate public hearing following this hearing on today's PC meeting agenda.

The 2015 Docket includes updates to the Introduction/Vision Statement, Land-Use Element, Transportation Element and Economic Development Element of the Comprehensive Plan, as well as updates to the city's Zoning Map and Critical Areas Ordinance (CAO) – Chapter 17.65 SWMC. Today the PC is having a public hearing on proposed updates to the CAO, Introduction/Vision Statement, Land-Use Element and Economic Development Element. The proposed amendments to the Land Use Element also affect the city Zoning Map; the PC will also review that map as part of today's hearing and update process. A public hearing for the Transportation Element is anticipated at the April 19, 2016 PC meeting. The proposed updates to all of the Elements, associated development regulation updates and the CAO were sent to the Department of Commerce as required by the GMA for a 60-day notification process on January 15, 2016. SEPA DNS's were also issued for the Elements and the CAO on February 25, 2016.

Below is a brief discussion of each of the three elements (chapters) of the Comp Plan that are under review, the associated development regulation changes and the CAO. All updates are indicated in the exhibits by either underlined text or ~~stricken-through text~~. Proposed new text is underlined, deleted text is stricken-through.

Introduction and Vision Statement: Chapter 1 of the Comp Plan – Only minor updates (Exhibit A) to the have been proposed to this chapter. No significant changes to this section are proposed; only data have been updated. The proposed changes affect neither the city's development regulations nor other sections of the Comprehensive Plan.

Land Use Element: Chapter 2 of the Comp Plan – The PC has held numerous meetings and hearings on the Land Use Element update. Most of those meetings were in an effort to determine the best way to accommodate the city's projected growth over the next 30 years. That effort concluded in a December 15 public hearing on proposed amendments to the city's urban growth

area (UGA) and associated zoning changes. After that hearing, the PC recommended amendments to expand the city's UGA and change the zoning of one parcel within city limits. The PC issued Findings of Fact, Conclusions and Recommendations (not attached) for the UGA modifications and the City Council reviewed and approved the PC recommendation. The proposed amendments to the UGA have not changed since the December 15 public hearing. Skagit County must adopt the proposed UGA amendments before they become officially binding. The county is now reviewing Sedro-Woolley's proposed UGA amendments and hope to complete their review and approval process by June 30.

The city also must update our Land Use Element by the end of June, therefore there is no time to wait for the county to complete its review of Sedro-Woolley's UGA expansion; the city must presume that the proposed UGA boundary amendments will be adopted by the county and the city must incorporate the proposed boundary changes in the Land Use Element (as well as the Capital Facilities Element and the Transportation Element). Today's action by the Sedro-Woolley PC is to incorporate the recommended mapping changes and other updates into the Comprehensive Plan. The PC Findings of Fact, Conclusions and Recommendation (signed by the PC Chairman on 1-19-16) includes the detailed analysis of the Land Use update and how it conforms to the requirements of the GMA, the city's Comp Plan and the city's development regulations.

The proposed UGA expansion and zoning changes are included on page 32 of the proposed Land Use Element updates (Exhibit B) and the city Zoning Map (Exhibit F). The Zoning Map is proposed to be updated as part of this hearing process to incorporate the proposed UGA expansion, zoning changes within the city limits and the new R-1 zone. Part of the PC recommended UGA amendments include a new Residential 1 Environmentally Constrained zoning designation (R-1). That new zone is discussed in greater detail below.

Transportation Element: Chapter 3 of the Comp Plan – The PC will be holding a public hearing on proposed updates to the Transportation Element April 19, 2016. No materials are available yet for this element and no action on the Transportation Element will occur at this meeting.

Economic Development Element: Chapter 8 of the Comp Plan – The PC updated the Economic Development Element in 2009, thus it technically does not need to be updated again as part of the 2016 update. However, Skagit County commissioned an economic development study in 2014-5 that is relevant to the Sedro-Woolley Economic Development Element; the County's study includes new information that accounts for the newly approved Center for Innovation and Technology. Attached as Exhibit C are minor proposed updates to the Economic Development Element that include the updated economic details. One of the more interesting figures in the update is that the city is planning for jobs in Sedro-Woolley to almost double – from 4,594 total jobs in Sedro-Woolley in 2014 to 9,179 in 2036 – largely as a result of the anticipated growth at Center for Innovation and Technology. No significant changes to this section are proposed; only data have been updated. The proposed updates do not affect the city's development regulations and the updates to the data are proposed to assure that the Economic Development Element is consistent with other elements of the Comprehensive Plan.

Critical Areas Ordinance: Chapter 17.65 of the Sedro-Woolley Municipal Code - The PC held one meeting in January to review the CAO. As noted earlier, the proposed updates were routed to state agencies and other interested entities through the SEPA notice and Commerce 60-day notice processes. The Department of Ecology had minor comments on the CAO; those comments have been incorporated into the proposed CAO updates attached in Exhibit D. The January 19, 2016 PC memo includes the detailed analysis of the CAO update and how it conforms to the requirements of the GMA and the city's Comp Plan.

Residential 1 Environmentally Constrained zoning designation: Chapter 17.XX SWMC - The PC held a public hearing in December 2015 to review the proposed new zoning designation called Residential 1 Environmentally Constrained. The new zone is incorporated into the proposed updates to the Land Use Element and the zoning and Comp Plan maps. The proposed text of the new R-1 zoning rules is attached as Exhibit E; the PC reviewed a draft of those zoning rules in December 2015, at which time the PAC requested minor modifications. The PC's suggested modifications, as well as the recommendations of state agencies, are incorporated into the proposed Chapter 17.XX SWMC in Exhibit E. The draft text of Chapter 17.XX was routed to Commerce on November 20, 2015. A SEPA DNS was issued the same day.

RECOMMENDATIONS

Staff recommends that the Planning Commission hold a public hearing on the proposed amendments to the Introduction/Vision Statement, Land Use Element and Economic Development Element of the Comprehensive Plan, associated development regulations, Critical Areas Ordinance and zoning map reflecting a recommended expansion of the Sedro-Woolley Urban Growth Area boundaries and a zoning change in existing city limits to help accommodate the city's 20-year population and employment projections as part of the 2015 Docket; and

- 1) Make a motion to recommend that the city council approve the proposed amendments to the Introduction and Vision Statement – Chapter 1 of the Comprehensive Plan as shown in Exhibit A (or as amended); and
- 2) Make a motion to recommend that the city council approve the proposed amendments to the Land Use Element – Chapter 2 of the Comprehensive Plan as shown in Exhibit B (or as amended); and
- 3) Make a motion to recommend that the city council approve the proposed amendments to the Economic Development Element – Chapter 8 of the Comprehensive Plan as shown in Exhibit C (or as amended); and
- 4) Make a motion to recommend that the city council approve the proposed amendments to the Critical Areas Ordinance – Chapter 17.65 of the Sedro-Woolley Municipal Code as shown in Exhibit D (or as amended); and
- 5) Make a motion to recommend that the city council approve the proposed new Residential 1 Environmentally Constrained zoning designation – Chapter 17.XX of the Sedro-Woolley Municipal Code as shown in Exhibit F (or as amended); and
- 5) Make a motion to recommend that the city council approve the proposed amendments to the City Zoning Map as shown in Exhibit G.

EXHIBITS

Exhibit A – proposed amendments to the Comprehensive Plan Introduction and Vision Statement
Exhibit B – proposed amendments to the Land Use Element of the Comprehensive Plan
Exhibit C – proposed amendments to the Economic Development Element of the Comp Plan
Exhibit D – proposed amendments to the Critical Areas Ordinance - Chapter 17.65 SWMC
Exhibit E – proposed new Chapter 17.XX – Residential 1 Environmentally Constrained Zone
Exhibit F – proposed updates to the Zoning Map

Chapter 1

INTRODUCTION AND VISION STATEMENT

- 1.04 Introduction**
- 1.08 Vision Statement**

INTRODUCTION

This comprehensive plan was prepared by the city of Sedro-Woolley in accordance with Section 36.70A070 of the Growth Management Act (Act) to address growth issues in Sedro-Woolley and its adjacent urban growth area. It represents the community's policy plan for growth over the next twenty (20) years.

Why the City of Sedro-Woolley is Planning

To Implement the Growth Management Act from the "Bottom Up"

The Growth Management Act was intentionally drafted to give significant decision-making power to local jurisdictions. Although the Act tells jurisdictions that they must identify concerns and goals of the community, prioritize these goals, and plan how these goals will be achieved, it does not dictate the solutions. This "bottom up" approach is unique to Washington State's growth management legislation, and is the main characteristic which distinguishes it from similar acts in Florida and Oregon.

To Maintain Local Decision Making Power

For several years, the population in Sedro-Woolley remained stable after experiencing a slight loss in the mid-1980's after the closure of Skagit Manufacturing. However, since the 1990 census between 1990 and 2005, Sedro-Woolley has shown an annual population growth of close to three percent. Since 2005 the growth rate has slowed, likely a result of the housing crisis and economic recession from which the region is still recovering. This growth is largely the result of migration northward from the more densely populated areas of the central Puget Sound region. With this growth comes increased demand for public facilities such as streets, sanitary sewer, solid waste collection, and fire and police protection. Provision of these services and the general operation of the city is increasingly influenced by

policy decision made at the federal, state and regional level.

The citizens involved in the preparation of Sedro-Woolley's comprehensive plan believe that the most effective way to maintain local control is to become more actively involved in planning. By clearly stating a vision for the future of the community, the city can readily evaluate the implications of its policy decisions, and express community concerns to regional, state, and federal entities. In addition, the Growth Management Act requires that state agencies comply with local comprehensive plans and development regulations. Therefore, the comprehensive plan and the implementing regulations allow the city to assert local control over certain issues with the assurance that state and county agencies will respect their decisions in a manner consistent with the community's desired vision of itself.

To Promote Desired Changes

Sedro-Woolley has attempted to diversify its economy, especially after the loss of its major employer (Skagit Manufacturing). However, the loss of this employer had a significant negative impact of the community's value which made it difficult to promote the city to potential new industries. As a result, most new development has occurred in the form of single-family subdivisions. While this new housing was needed, concerns were raised that Sedro-Woolley would become primarily a "bedroom" community for the employment centers located along Interstate 5.

The comprehensive plan sets forth goals and policies that promote the concept of a balanced community where job retention and attraction is given equal consideration to new housing developments. Included in the plan is an evaluation of the existing infrastructure capacity with current demand and a projection of capacity supply in order to direct future growth. This information is crucial in order for the city to take a proactive role in attracting the type of development required to meet the needs of its citizens, and make the wisest use of land and public re-

sources. The ability to make decisions in response to the growth and changes that are occurring in Sedro-Woolley will allow the city to take advantages of positive opportunities and better assess potential impact on the quality of life.

To Address Changes in Community Needs

The city of Sedro-Woolley is also updating its comprehensive plan to address dramatic changes since the previous plan was adopted. There has been a steady decline in the size of households, and an increase in the number of elderly individuals living on fixed incomes. The balance between the number of jobs and the number of housing units has shifted as major employers have left the community, and the viability of timber and agriculture industries has waned. Concerns about environmental quality and the impact on personal finances have also created a change in traditional land use patterns as well as a preference for alternatives to the automobile. Finally, the economy has shifted away from land intensive industries to light manufacturing and service industries that are more compatible with other land uses.

Purpose of the Comprehensive Plan

This comprehensive plan was developed in accordance with Section 36.70A.070 of the Growth Management Act to address growth issues in the city of Sedro-Woolley and its surrounding urban growth area. It represents the community's policy plan for growth over the next twenty (20) years. The city of Sedro-Woolley is not self-sufficient, and relies on many other communities. In such situations many unexpected changes could occur over which Sedro-Woolley has no control. Therefore, the long-term planning for the city needs to be adaptable and responsive to these kinds of circumstances. Rather than being a simple priority list of actions which assume a static environment, it must provide policies to guide decision-making in response to the unforeseen. The plan includes the following elements:

- * Land Use
- * Transportation
- * Parks

- * Capital Facilities
- * Utilities
- * Housing
- * Economic Development

County-Wide Planning Policies

The county-wide planning policies (~~Appendix A~~) provide the framework for Sedro-Woolley's planning process, and a measure for ensuring coordination and consistency between the city and Skagit County. These policies address urban growth areas and the twenty (20) year population forecast accommodation, means to promote contiguous and orderly development and provision of urban services, siting of county-wide and state-wide public capital facilities, county-wide transportation facilities and strategies, the need for and distribution of affordable housing for all economic segments, joint planning between the cities and county within the urban growth areas, economic development and employment, analysis of fiscal impact, and environmental quality. All of the individual elements in the plan have been integrated along with the county-wide planning policies to ensure consistency.

Goal of 2005-2016 Update

The goal of this update is to achieve greater consistency between the plan and the development regulations.

The city has been updating portions of the plan since ~~2002~~ 2009 in order to meet the required deadline to update by ~~2005~~ June 30, 2016 (RCW 36.70A.130).

The plan must be updated at least every ~~seven~~ eight years but no more frequently than once a year. Capital facilities plans are adopted as part of the comprehensive plan. Capital facilities include transportation, sewer, police, fire, schools, and may include library and municipal facilities. The city reviewed and updated the capital facilities element in 2014-2016 and incorporated the 20 year population and employment data adopted by Skagit County for the 2016 countywide planning policies. The city in-

tends to have major capital facilities updates on a rotating schedule with minor updates part of the annual update process.

Capital Facilities Plans

2003 Update	2005 Update	2006 Update	Future Ongoing Updates
Transportation	Parks & Open Space	Library	Fire
Schools	Sewer	Schools	Solid Waste
Fire	Police	Housing	Parks & Open Space
	Solid Waste		Police
	Municipal Facilities		Municipal Facilities
	Transportation		Stormwater

In addition, the transportation plan is being updated further in order to develop a zone-based traffic model to assess impact fees.

A community action planning process in 2000 and 2001 established several priorities for the city:

- Economic Development
- Downtown Revitalization
- Parks and Open Space

Further directions from the mayor were to:

- Improve the attractiveness of commercial development along Highway 20;
- Require urban infrastructure in all new development; and
- Revise the transportation impact fees.

These priorities continue to influence the 2016 Comprehensive Plan updates. Improving consistency and predictability of the development approval process was an additional goal. The subdivision procedure and consolidated land use procedures were revised, and the SEPA procedure brought into line with current state law.

Urban Growth Area

After the Skagit County government declined to adopt city ordinances requiring urban infrastructure for development in the unincorporated urban growth area (UGA), the city filed an appeal before the Western Washington Growth Management Hearings Board. The Board ultimately ruled that adequate provisions for urban services must be provided concurrently with development. Following this ruling, the county and the cities began a collaborative planning process to adopt development regulations that apply to all of the UGAs in the county. The subsequent ordinance adopted by Skagit County and supported by the cities, requires a minimum lot size of five acres for residential development when no urban infrastructure is required, but allows for cities to develop an Urban Reserve Development Permit in portions of the UGA where they expect urban infrastructure to become available relatively soon. A limited amount of commercial and industrial development can also occur in the UGAs without requiring the installation of urban services. The city of Sedro-Woolley may consider developing a program to allow development at higher densities with a mechanism to pay for required infrastructure that does not shift the costs of infrastructure to the taxpayers.

Deficiencies in urban services are a significant problem in much of the Sedro-Woolley UGA. Skagit County Planning and Development Services permitted residential subdivisions and mobile home parks to be developed in the UGA without requiring urban serves. Most of the UGA east of city limits stretching eastward to Fruitdale Road are on septic systems. There is no economic or practical incentive for sewer to be extended to this area. In addition, the streets in the developed UGA are not to city standards; the right-of-ways lack curb, gutter, sidewalks and street lighting. A comprehensive stormwater conveyance system is also absent in these areas. In order for further development to occur in the portions of the UGA that already have significant urban densities but no urban services, the city will depend on Skagit County government to provide financial and technical assistance for the provision of urban serves to the area.

UGA Size and Expansion

The jurisdictions in Skagit County worked together to adopt growth projections over the next 20 years. Those population and employment growth projects were reviewed and adopted by the Skagit Council of Governments (SCOG). The city then analyzed the available land inventory to determine if the SCOG projections can be accommodated in the current UGA boundaries.

The city performed a buildable lands inventory and compared the available land to the projected population and employment growth through 2036. The analysis indicated that additional land within the UGA is necessary to accommodate the projected 20 years of growth. As part of the 2016 Comprehensive Plan updates, the city held numerous public meetings, open houses and public hearings in support of necessary modifications to the UGA boundaries.

After the city's extensive public review program was complete, the Planning Commission and City Council recommended a modest UGA boundary expansion to accommodate the County's projected 20 year growth in the Sedro-Woolley UGA. The city forwarded the UGA expansion request to Skagit County; the county's Planning Commission held ad-

ditional meetings and hearings in accordance with SCC and the Growth Management Act. Ultimately the Skagit County Board of County Commissioners found that the amount of land requested to be added to the UGA was consistent with the need showed by the city's buildable lands inventory and approved a modest UGA boundary expansion.

Design Guidelines

The city's adopted comprehensive plan calls for design guidelines to help maintain the city's small-town atmosphere as it grows. Design guidelines are in place downtown and need to be fully implemented to achieve the desired early 19th-century look. This update proposes permanent design standards and guidelines that provide guidance for the development of new commercial, industrial, residential, multifamily, and planned residential developments. The standards are located in a manual which addresses building and site design and includes illustrations of the requirements. The planning commission acts as the design review authority for larger projects, while smaller projects are reviewed administratively.

Transportation Impact Fees

The city is in the process of completing modeling and calculations to support a zone-based transportation impact fee. The city will continue to collect the current impact fee until the revised calculation is complete. The city will continue to seek the cooperation of Skagit County in joint road improvement projects in the unincorporated UGA. SEPA requires that cumulative impacts be mitigated when identified. New private development must address its impacts upon the public health, safety and general welfare, for open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds and sites for schools and school grounds. State legislature has enabled, and the city has elected to implement, the use of impact fees to mitigate the direct impacts that have been specifically identified by the city as a consequence of proposed development, and to make provisions for impacts. Impact fees provide a simple effective tool for this purpose. The city will continue to seek the coopera-

tion of Skagit County in joint road, sewer and other infrastructure improvement projects in the unincorporated UGA.

Plan Implementation and Monitoring

This section outlines the plan implementation and monitoring procedures developed to measure progress in implementing the goals, objectives, and policies in the city of Sedro-Woolley's comprehensive plan. This process also prepares the city for updates in the future. Annual continuous evaluation should ensure that the following items are addressed:

- * Citizen participation in the process;
- * Updating appropriate base-line data and measurable objectives to be accomplished in the first six-year period of the plan, and for the long-term period;
- * Accomplishments in the first five-year period, describing the degree to which the goals, objectives, and policies have been successfully reached;
- * Obstacles or problems which resulted in the under-achievement of goals, objectives, and policies; and
- * A means of ensuring a continuous monitoring and evaluation of the plan during the five-year period.

Although adopted by ordinance, a comprehensive plan has traditionally been a policy document with implementation through land development regulations and other ordinances. However, the Growth Management Act encourages a variety of innovative implementation methods, regulatory and non-regulatory, which should be considered. The city will continue its public participation program following plan adoption in order to inform the entire community about the rationale and goals of the plan, as well as the changes that will take place in the city because of the plan's implementation. Sedro-Woolley believes that broad support for the plan is crucial for effective implementation.

Existing development regulations must be updated to be consistent with the plan. In reviewing regulations for consistency, the city should ensure that the development patterns suggested in the plan are encouraged. In addition to the new development regulations identified in the land use plan, other regulations (i.e. design review guidelines, drainage regulations) will be enacted as necessary to implement the land use plan during the annual review periods.

Planning is an ongoing process, and improved data or changing circumstances will require amendment to the comprehensive plan. In particular, the plan will be reviewed ~~once a year and updated as necessary to reflect revisions to the Office of Financial Management population estimates and revisions to the Capital Facilities Plan~~ periodically as required by the Growth Management Act (roughly every eight years) to ensure that the city's comprehensive plan, capital facilities planning, transportation planning and land available in the UGA are adequate to accommodate the projected 20 year employment and population growth. The 20 year update process requires that the cities and Skagit County cooperate to ensure that the Countywide Planning Policies and city comprehensive plans are consistent. The 20 year growth projections shall be based on the Office of Financial Management's population estimates. The update will also address any specific concerns, clarify inconsistencies that were identified during the year, and review the adequacy of the adopted level of service standards. In addition, at least every five years the city will review the densities permitted within the urban growth area and the usage of the land within the urban growth area. If necessary, adjustments will be made to revenues, land use classifications or LOS standards to ensure that probable funding meets the projected needs of the city.

The community's vision statement and comprehensive plan goals provide long-range guidance for the city. To maintain consistency and allow sufficient time for decisions to take effect, these general guidelines should not be changed more than every five years. However, as specific objectives or policies are

achieved, revision of the plan in each element may be required to continue progress toward the overall goals.

Amendments to the comprehensive plan can be requested by the city council, planning commission, or by any affected citizen or property owner. However, the plan may not be amended more than once a year, and therefore, requests for amendments can be deferred to the time of the annual public hearing. The planning commission will review the comprehensive plan and propose any needed amendment. A public hearing will then be held to solicit comment following adequate notice to the public. After further review, a formal recommendation will be made to the city council.

The council will hold a public hearing following public notice, make modifications if necessary, and adopt the proposed amendments to the comprehensive plan. By reviewing and updating the plan on a regular basis, Sedro-Woolley can rely on this document in decision making, and can maintain public interest and support of the planning process.

Consistency with State Growth Management Goals

The data used to develop this comprehensive plan is to the greatest extent possible the best available data. The city has coordinated its plan with that of adjacent jurisdictions and the county in order to achieve compatibility and external consistency. In addition, the Growth Management Act requires consistency and/or compatibility with the planning goals set forth in the Act. The following are the goals from the Act (shown in italics), below which are listed the policies from the Sedro-Woolley Comprehensive Plan that support and/or are consistent with these goals.

Goals and Policies

The goals and policies set forth throughout the comprehensive plan are the result of the “visioning” process held by the city of Sedro-Woolley in the early stages of the development of the comprehensive plan.

Some modifications have been made as a result of new developments in the planning process of the city and county and as a result of the special study recommendations.

It is envisioned that the adoption of some of these goals and policies will require several years to enact, especially in the area of development of design guidelines. The city will actively work to implement these goals and policies within the next five years prior to the first eight years until the next required major review of the comprehensive plan. These goals and policies will be incorporated into the city’s codes as necessary and annually as amendments to the comprehensive plan.

Growth Management Act Goals

Urban Growth

Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

Goal GMA1: Encourage development in areas where adequate public facilities exist.

Policy A1.31: An annexation area must be provided city services within six years, consistent with the provisions of the current Capital Facilities Plan.

Policy LU3.2: Establish transportation as an “urban” service requiring concurrency under the Growth Management Act.

Policy LU3.6: Periodically review the comprehensive plan and adjust revenues, land use classifications, or level-of-service (LOS) standards to ensure that probable funding meets the projected needs of the city.

Policy CF2.2: “Concurrent Development” shall be defined as development which can be provided transportation services by the city of Sedro-Woolley within six years of the date of the development approval. If capital facilities necessary to meet the concurrency requirement are not provided in the six-year Capital

Facilities Plan, the developer shall provide the facilities at his/her own expense to meet the concurrency requirement.

Policy CF2.1: The city of Sedro-Woolley shall allow only “concurrent development” to occur within the urban growth area. Proposed developments shall complete a concurrency review provided by the city planning department.

Reduce Sprawl

Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

Goal GMA2: Reduce Urban Sprawl

Policy A1.42: Reject annexation requests which are not contiguous to existing city areas, except as permitted under RCW 35.13.180.

Policy A1.3: An annexation area must be provided city services within six years, consistent with the provisions of the current Capital Facilities Plan.

Transportation

Encourage efficient multi-modal transportation systems that are based on regional priorities and are coordinated with county and city comprehensive plans.

Goal GMA3: Provide safe, efficient transportation services to community residents.

Policy T1.1: Identify and improve substandard roads based upon a priority system which accounts for both traffic demand and surrounding land uses.

Policy T1.4: Improve arterial and collector streets identified as deficient in condition level of service to the adopted design standard, consistent with the capital facilities element of the comprehensive plan.

Policy T2.3: Improve arterial and collector streets identified as deficient in capacity level of service to

the design standard, consistent with the capital facilities element of the comprehensive plan.

Policy T3.8: Consider the needs of future transit service when improving principal, secondary and collector arterials.

Policy T4.1: Establish a committee to review alternate transportation options and propose alternatives appropriate to Sedro-Woolley’s anticipated population growth and density. Options to evaluate include trails, rail, transit, walking, etc.

Housing

Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing.

Goal GMA4: Provide adequate, diverse and affordable housing to all community residents.

Policy A4.1: Encourage a variety of housing in Sedro-Woolley and its UGA.

Policy H1.1: Install supporting infrastructure in areas of higher density housing, as a public, private, or private/public effort.

Policy H2.1: Encourage affordable housing for the elderly. As an alternative, the elderly should be accommodated in safe, well-maintained multiple-unit structures.

Policy H2.2: Encourage affordable housing for those with special needs. (Including, but not limited to disabled, low-income, homeless).

Policy H2.3: Encourage affordable housing for non-traditional households. (Including, but not limited to seasonal workers, single parents, extended families, and group homes.)

Economic Development

Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, and encourage growth, all within the capacities of the state's natural resources, public services, and public facilities.

Goal GMA5: Encourage community economic development.

Policy E1.1: Create employment opportunities within the Sedro-Woolley economy, particularly for residents who now commute to other distant employment areas.

Policy E2.1: Encourage local business development opportunities and utilization by the private and public sector, particularly for small start-up businesses owned by or employing Sedro-Woolley residents. Promote local use of special business financing and management assistance programs.

Policy E3.1: Promote tourism as a means of diversifying the economy and preserving the history of the community.

Property Rights

Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.

Goal GMA6: Preserve property rights

Policy LU5.7: Recognize the rights of property owners to freely use and develop private property consistent with city regulations.

Policy H4.3: Encourage the development of residential structures that respect existing views of natural features, and the right of everyone to enjoy them.

Permits

Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

Goal GMA7: Ensure fair, predictable and timely permit processes.

Policy H2.6: Maintain easy access to the permitting process.

Policy T5.3: Aggressively enforce RCW 36.70A.106, requiring the Department of Transportation, or any other state agency, to comply with this comprehensive plan.

Policy UI.2: Provide utility permits in a fair, timely and predictable manner.

Natural Resource Industries

Maintain and enhance natural and resource-based industries, including productive timber, agricultural, and fisheries industries.

Goal GMA8: Encourage productive forest, agriculture and natural resource industries.

Policy LU5.4: Preserve and enhance Sedro-Woolley's rural and agricultural character by allowing necessary agricultural support services and facilities.

Policy CC1.3: Recognize and retain logging and other timber industry practices as a heritage of this community. Strive to preserve this heritage while supporting and encouraging the development of modern forest-practices industries.

Policy OS2.2: Recognize and promote the benefits of agricultural land which include maintaining open space, establishing rural character, preserving view corridors, enhancing wildlife habitat, and providing employment for the residents of Skagit County.

Policy E3.7: Sedro-Woolley's tourism strategy should also capitalize upon the city's unique location

and timber industry heritage. Strive to maintain a balance between logging history and environmental education and preservation.

Open Space and Recreation

Encourage the retention of open space and development of recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks.

Goal GMA9: Provide open space and recreation opportunities to community residents.

Policy P1.5: Identify zones which generally indicate where it is appropriate for future parks to be located as new development occurs.

Policy P2.3: Develop a mixture of active and passive recreation areas in order to accommodate the desires and lifestyles of Sedro-Woolley's residents.

Policy P3.1: Pursue joint ventures with Skagit County, other jurisdictions and public/private opportunities, in order to obtain access to a greater variety of recreational programs than the city could provide on its own.

Policy OS 1.2: The city shall provide input and coordinate review of development proposals with Skagit County to ensure the integrity of unincorporated open space within Sedro-Woolley's urban growth area.

Environment

Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

Goal GMA10: Protect the environment while enhancing community quality of life.

Policy CSA1.2: Provide the public, staff and decision-making bodies with information pertaining to the identification, classification, and designation of critical areas.

Policy CSA1.5: Promote land use patterns and methods of development that will protect the value of sensitive and critical areas, and prevent hazardous conditions.

Policy CC5.2: In conjunction with the Sedro-Woolley school district, ensure that curriculum within Sedro-Woolley schools emphasizes social and environmental responsibility.

Policy CSA4.1: 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.

Policy U3.2: Promote conservation of water and electricity within the urban growth area. Work with utilities, service agencies and other jurisdictions to promote conservation products and programs.

Citizen Participation and Coordination

Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

Goal GMA11: Encourage early and continuous citizen participation in the comprehensive planning process.

Policy A11.1: Encourage, respect and reward citizen activism.

Policy A11.2: Hold neighborhood meetings within proposed annexation areas in order to answer questions about the implications of annexation.

Policy LU5.6: Ensure that community's planning programs reflect basic community values.

Policy H3.8: Work to develop multi-family design recommendations based upon a participatory design process with community residents.

Policy CC6.6: Commit to honest, equal citizen participation III city processes.

~~Encourage, respect and reward citizen activism.~~

Public Facilities and Services

Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

Goal GMA12: Assure capacity for new developments through a capital facilities plan.

Policy CF1.1: Provide capital improvements to correct existing deficiencies, to replace worn out or obsolete facilities and to accommodate desired future growth, according to the six-year capital facilities plan.

Policy CF2.3: Ensure that future development bears a fair share of capital improvement costs necessitated by the development. The city shall reserve the right to collect mitigation impact fees from new development in order to achieve and maintain adopted level of service standards. The city shall be responsible for its fair share of capital improvement costs for existing deficiencies.

Policy CF2.4: Ensure that city plans and development regulations identify and allow for the siting of “essential public facilities,” as described in the Growth Management Act. Work cooperatively with Skagit County and neighboring jurisdictions in the siting of public facilities of regional importance.

Policy CF3.1: Update the six-year Capital Facilities Plan (CFP) annually prior to the city budget process. All city departments shall review changes to the CFP and participate in the annual review.

Historic Preservation

Identify and encourage the preservation of lands, sites, and structures that have historical or archaeological significance.

Goal GMA13: Preserve historically and culturally significant sites and structures.

Policy LU6.5: Develop and implement a local historic and cultural preservation procedure.

Policy H1.3: Protect historically significant housing sites and structures.

Policy CC1.1: Preserve historically-significant buildings, trees and site within the Sedro-Woolley urban growth area through the development of historic preservation and urban forestry programs.

Policy CC1.2: Preserve culturally-significant sites identified within the Sedro-Woolley urban growth area. Do not allow development or encroachment upon sites identified as significant by the ~~Skagit~~ Tribetribal nations.

(Ord. 1524-05, § 1 (Exh. A) , Ord.1663-10)

VISION STATEMENT

The year is 20252036. Sedro-Woolley has a small-town environment and a strong sense of identity. Many people know each other here. Residents greet each other by name. Business owners know both other owners and their regular patrons. People feel comfortable and safe walking through town.

The “centralized” nature of town, revolving around the central business district, helps keep the tight-knit structure of the community. The town’s scale promotes a “homey” feeling. Residents feel important as a part of their community rather than alienated as they might in a big city. Residents are involved in the community and strive to maintain a safe, healthy, enjoyable, and economically viable community. Visitors are encouraged to come to Sedro-Woolley. Signs on the main highways (Interstate 5 and State Routes 9 and 20) are inviting. Walking and shopping on and around Metcalf Street promotes a warm but bustling atmosphere.

Growth and Land Use

Citizens recognize the need for the city to grow. The city expands slowly through annexations primarily for residential development. This is done in an environmentally and aesthetically ~~sane~~sustainable way, under compliance with the State’s Growth Management Act. Even though the city’s residential sector is growing, planning efforts strive to maintain an intentional balance of residential, commercial, and light industrial uses.

Economic Development

Sedro-Woolley’s job base is strong and vital. The city is economically self-sustaining and is not considered a “bedroom community” for larger cities in the region. Residents who live here can also work here. Sedro-Woolley is home to a diverse collection of larger employers. An occasional slump in one area will not depress the entire economy. The retail and tourism focus of the city is in the central business

district and is complemented by larger businesses at commercial nodes in various parts of the city. Professional offices, light industry, and support services are sited at these nodes. Industrial parks in Sedro-Woolley are complete and fully utilized.

Other Commercial Development

Both commercial and light industrial businesses are encouraged in Sedro-Woolley. Zoning keeps commercial strip development along the highways from sprawling. Rather, nodes of service-type enterprises along the main roads thrive. Development in these areas caters to the highway traveler and does not compete with downtown retail and tourism. Open space and green areas are maintained in the city’s zoning ordinance, and further promoted in the growing areas of the city. The downtown retail core is primarily retail businesses with some service businesses.

Housing

Most residential areas are zoned to protect the dominance of the single-family home. However, smaller lots are encouraged to protect Sedro-Woolley’s hinterlands from sprawl. Infill development in the older neighborhoods consists primarily of duplexes and accessory dwelling units that are designed to compliment existing neighborhoods.

Within the central business district, apartments on the upper stories of shops are encouraged. Sedro-Woolley offers a variety of housing types to meet the needs of its diverse citizens.

Transportation

The city’s transportation system expands to meet demands due to growth. Through-traffic circumvents the downtown area, which discourages congestion. Safe bicycle and pedestrian transportation is encouraged by the maintenance and addition of bike shoulders on the roads as well as off-road bike paths and trails. Local youth are educated in safe bicycling and traffic laws for bicyclists on the road. Bike racks are placed at key places in town to encourage people to ride their bikes rather than drive.

Central Business District

The city endorses the preservation of a functional yet aesthetically pleasing downtown area. Downtown is the city's core—it is a place where residents can come to purchase basic goods without driving to other communities. It is also the center of the city's social life. The central business district is vibrant during the day with a healthy and safe nightlife. Residential space above first-floor shops helps see to that. No buildings stand vacant. Metcalf Street, with its "Main Street" feel, is perfect for strolling. Its shops are small and unique to maintain the city's personal scale and character. Businesses that attract people to the downtown from the outside, such as retail, are promoted. This environment encourages tourists en route to the Cascades or the I-5 corridor to pull off the highway and visit for a short while. Signs from the highways indicate the route to downtown. Once again, Sedro-Woolley is a place where people go out of their way to visit. Downtown is also the city's link to its past. Its built form speaks of the old Sedro-Woolley and its rich tradition of providing services to people from near and far in the Skagit Valley. Historic buildings are preserved and renovated and new buildings visually blend with the older structures. Convenient and available parking for patrons is provided. Through design and atmosphere, however, patrons are encouraged to park their cars and walk from shop to shop on and around Metcalf Street.

Parks and Open Space

Citizens support the development of small, new, neighborhood parks, as well as open green space. New residential developments are encouraged to preserve open green areas for the public. The old Burlington Northern Railroad line connecting Sedro-Woolley with Burlington provides a recreation path for bicyclists and pedestrians to use instead of the highway. This trail connects Burlington and Sedro-Woolley with the upriver communities of Lyman, Hamilton, and Concrete. Trails are also available

around Riverfront Park. Bicycle and pedestrian paths connect parks to recreation facilities.

Library

The Sedro-Woolley library system is enjoyed by a wide variety of residents and non-residents who benefit from the facility's modern technological resources, wide range of research materials, and updated periodicals. The city is committed high quality library services in the city of Sedro-Woolley, and an essential element of urban life. The city will support expanded regional library services to serve the residents and non-residents, as opportunities develop.

Recreational Facilities

The public promotes maintenance and expansion of the city's existing recreation facilities. They also encourage the development of other facilities, particularly for the benefit of local youth. When not in school, teenagers have activities that keep them from loitering on street corners. These older students, as well as grade-school children, have places to go for entertainment and recreation that are close to home and school. A community center that houses an indoor recreation area, swimming pool, and organized programs benefits both the town's youth and its adults. A movie theater and game center allowing people under twenty-one (21) to visit are located downtown.

Infrastructure

The city promotes the improvement of infrastructure elements. Deteriorating roads in town are repaired and repaved as needed. Other pre-existing infrastructure needs such as sidewalks and sewers are inspected and repaired. All new infrastructure or improvements are supported by the city's capital facilities plan and are consistent with other plan elements. Every residential neighborhood in Sedro-Woolley enjoys paths, sidewalks, and street trees on every street.

Community Vision

As a whole, its citizens envision the Sedro-Woolley of the future as a warm and economically viable small-town community. Present and future residents will be honored to call it “home.”

(Ord. 1524-05, § 2 (Exh. B))

Chapter 2

LAND USE ELEMENT

2.04	Definitions
2.08	Land Characteristics and Types of Land Use
2.12	Existing Land Uses and Land Availability
2.16	Land Use Goals and Policies
<u>Appendix A</u>	<u>Buildable Lands and Land Capacity Analysis Report and addendum memo</u>

DEFINITIONS

As used in this plan:

“Adequate capital facilities” means facilities which have the capacity to serve development without decreasing levels of service below locally established minimums.

Arterial Streets. Arterial streets provide the systems primary traffic-carrying capacity. They are intended for higher volume use and provide routes for through trips from various destinations.

Arterial, Minor. Minor arterials serve the major traffic generators of the city, including the central business district, major commercial and residential areas, and the high school.

Arterial, Principal. Principal arterials are the major thoroughfares to, from, and through the city. As such they are subject to the highest traffic volumes and speeds. Direct access from primary arterials to abutting properties is discouraged.

“Available capital facilities” means facilities or services which are in place or that a financial commitment is in place to provide the facilities or services within a specified time. In the case of transportation, the specified time is six years from the time of development.

“Capacity” means the measure of the ability to provide a level of service of a public facility.

“Capital budget” means the portion of each local government’s budget which reflects capital improvements for a fiscal year.

“Capital facility” means an element of public infrastructure, such as electrical service, streets, a water supply system, sewers, stormwater systems, and other publicly-available utilities and facilities.

“Capital improvement” means a project to create, expand or modify a capital facility. Such a project may include design, permitting, environmental analysis, land acquisition, construction, landscaping, site improvements, and equipment. The cost of a capital improvement is generally non-recurring and may require multi-year financing.

“Commercial uses” means activities within land areas which are predominantly connected with the sale, rental, and distribution of products, or performance of services.

“Comprehensive plan” means a generalized coordinated land use policy statement of the governing body of a county or city that is adopted pursuant to RCW 36.70A.

“Concurrency” means the concept that capital facilities that achieve and maintain the standards for level of service adopted in the comprehensive plan are available to serve new development no later than the impacts of the new development. This definition includes the two concepts of “adequate capital facilities” and “available capital facilities” described above.

“Concurrent development” means development which can be provided transportation services by the city within six years of the date of development approval.

“Consistency” means a requirement of GMA that no feature of a plan or regulation is incompatible with any other feature of a plan or regulation. Consistency is indicative of the probability for orderly integration or operation with other elements in a system.

“Contiguous development” means development of areas immediately adjacent to one another.

“Coordination” means a requirement of GMA for consultation and cooperation among affected jurisdictions during the preparation (and subsequent revisions) of the comprehensive plan.

“Critical areas” means areas identified for protection and/or special regulation due to their sensitive nature or importance to the public health and welfare, and which include: (a) wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas.

“Cultural resources” means elements of the physical environment that are evidence of human activity and occupation. Cultural resources includes: (a) historic resources are elements of the built environment typically fifty (50) years of age and older, and may

be buildings, structures, sites, objects, and districts; (b) archaeological resources consist of remains of the human environment at or below the ground surface such as habitation sites; and (c) traditional cultural properties consist of places or sites of human activities which are of significance to the traditions or ceremonies of a culture. Traditional cultural properties do not necessarily have a manmade component and may consist of an entirely natural setting.

“Density” means a measure of the intensity of development, generally expressed in terms of the number of dwelling units per acre. It can also be expressed in terms of population density (e.g., people per acre or square mile). Density is useful for establishing a balance between potential local service use and service capacities.

“Department of Ecology (DOE)” means the Washington State Department of Ecology.

“Determination of Nonsignificance (DNS) means a written decision by an agency conducting a SEPA (State Environmental Policy Act) review of a proposed action that the proposal is not likely to have a significant adverse environmental impact, and therefore an EIS is not required.

“Duplex” means a building containing two dwelling units. A duplex must be built on-site and consists of one structure with two residential units. The units may be connected by a common wall or a carport. Duplex units should be constructed with a compatible design and materials to the surrounding neighborhood. In addition, in the instance where a duplex unit is created by the addition of another unit to an existing unit, the new unit must be compatible with the design and materials of the existing unit.

“Essential public facilities” means those public facilities that are typically difficult to site due to the nature of their use, including but not limited to those uses set forth in RCW 36.70A.200.

“Environmental Impact Statement (EIS)” means a document that discusses the likely significant impacts of a proposal. This type of document is required by SEPA.

“Financial commitment” means the identification of sources of public or private funds or combinations thereof; the determination that such funds will be

sufficient to finance capital facilities necessary to support development; and the assurance that such funds will be timely put to that end.

“Geologically hazardous areas” means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

“Goal” means the long-term end toward which programs or activities are ultimately directed.

“Growth Management Act (GMA). This is the Act (RCW, Chapter 36.70A, and all subsequent amendments) which requires most Washington counties, along with their associated municipalities, to formally prepare long-range development and financial plans to accommodate projected growth for the next twenty (20) years.

“Household” includes all the persons who occupy a group of rooms or a single room which constitutes a housing unit.

“Impact fee” means a fee levied by a local government on new development so that the new development pays its proportionate share of the cost of new or expanded facilities required to service that development.

“Industrial uses” means the activities predominantly connected with manufacturing, assembly, processing, or storage of products.

“Infrastructure” means those man-made structures which serve the common needs of the population, such as: sewage disposal systems, solid waste disposal sites or retention areas, stormwater systems, utilities, bridges, and roadways.

“Land use” means a classification system which identifies the types of activities allowed (e.g., agriculture, residential, industrial, etc.), the population densities permitted, and the appearance of the development (e.g. heights and sizes of structures, building placement, and landscaping).

“Level of service” means a quantifiable measure of the amount of public facilities or services that must be provided per unit of demand or other appropriate measure of need for both existing and potential future users.

“Low Impact Development (LID)” means a stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.

“LID Best Management Practices (BMPs)” means distributed stormwater management practices, integrated into a project design, that emphasize pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration. LID BMPs include, but are not limited to, bioretention/rail gardens, permeable pavements, roof downspout controls, dispersion, soil quality and depth, minimal excavation foundations, vegetated roofs, and water re-use.

“ LID Principals” means land use management strategies that emphasize conseration, use of no-site natural features, and site planning to minimize impervious surfaces, native vegetation loss, and storm-water runoff.

“Long-term commercial significance” means an analysis of the growing capacity, productivity, and soil composition of the land considered in the context of the land’s proximity to population areas and the possibility of more intense uses of the land which is used as an indication of its long-term potential for commercial production.

“Manufactured housing” means a manufactured building or major portion of a building designed for long-term residential use. It is designed and constructed for transportation to a site for installation and occupancy when connected to required utilities.

“Mixed Commercial Development.” Allows a compatible mix of retail commercial, office uses, general services, light manufacturing and residential development located at selected nodes. Design standards are included in the adopted Design Standards and Guidelines manual to emphasize building and site design components.

“Mobile home” means a single, portable manufactured housing unit, or a combination of two or more such units connected on-site, that is:

a. Designed to be used for living, sleeping, sanitation, cooking, and eating purposes by one household only and containing independent kitchen, sanitary, and sleeping facilities; and

b. Designed so that each housing unit can be transported on its own chassis; and

c. Placed on a temporary or semi-permanent foundation; and

d. Is over thirty-two (32) feet in length and over eight feet in width.

“Multi-family Housing.” As used in this plan, multi-family is all housing which is designed to accommodate more than one household.

“Overlay” is a special district that provides opportunities to accomplish specific zoning objectives that could include; higher density uses for residential and commercial development; provision of open space and achieving other public policy goals.

“Policy” means the way in which programs and activities are conducted to achieve an identified goal.

“Public facilities” means facilities available for use by the general citizenry including streets, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, electrical power, parks and recreational facilities, and schools.

“Public services” means services which are publicly available including fire protection, law enforcement, public health, education, recreation, environmental protection and other governmental services.

“Single-Family Housing.” As used in this plan, a single-family unit is a detached housing unit designed for occupancy by not more than one household.

“State Environmental Policy Act (SEPA)” means a state law intended to minimize environmental damage caused by proposed public and private actions. SEPA requires that state agencies and local jurisdictions consider environmental factors when making decisions on activities such as development proposals as well as planning actions. As part of this process, environmental review documents are prepared and opportunities for public comment are provided. (RCW 43.21C; WAC 197-11)

Streets, Local Access. Local access streets serve low intensity traffic generators, most typically single-family residences.

“Special district” is a land use designation that indicates a special zoning classification to accomplish specific zoning objectives.

~~“Sub flood control zone” means a zone created to improve and maintain the capacity of Brickyard Creek, a flood prone area, and in which all new development is subject to review by the Skagit County public works department in order to determine potential adverse impacts.~~

“Urban governmental services” means those governmental services historically and typically delivered by cities, and includes storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with non-urban areas.

“Urban growth” means growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to conflict with the primary use of such land for agriculture, forestry, or mineral extraction of long-term commercial significance. When spread over wide areas, urban growth typically requires urban governmental services.

“Urban growth area (UGA)” means the designated area around and including recognized municipalities within which residential and commercial growth is focused (over the next twenty (20) years), the greatest densities are allowed, and high levels of service are to be developed and maintained to adequately support population densities and growth.

“Urban Village Mixed Use” is a land use designation, as part of an overlay zone, intended to provide for higher density residential and commercial development in a designated geographic area, providing the benefits of mixed-use development, open space, quality development design and efficiency of land use.

“Wetland” means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under

normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities. However, wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate conversion of wetlands, if permitted by the county or city.

“Zoning” means a technique of land use control by which specific geographic areas are designated by ordinance (text and map), and regulated as to the types of uses, and development standards that are allowed.

(Ord. 1524-05, § 2 (Exh. C)(part))

(Ord. 1629-08, § 2 (part))

LAND CHARACTERISTICS AND TYPES OF LAND USE

The inventory presented in this element provides information useful to the planning process. It does not include all of the data or information that was gathered, but has presented the relevant information in an organized and useful format. Additional data are located in the appendices and support documentation. The first part of the inventory summarizes the general development of physical descriptions or types of land use. The second portion summarizes the city's specific information. The analysis of this information is in the last section of the land use element.

Physical Description

Topography and Geology

The city of Sedro-Woolley lies on the north side of the Skagit River which runs generally east and west (See Figure LU-1 Sedro-Woolley Vicinity). Elevations in Sedro-Woolley range from thirty-six (36) to ~~fifty-six (56)~~ two hundred and eighty-three (283) feet above sea level. The foothills of the Cascade Range lie to the east, and reach elevations of four thousand (4,000) feet. To the west is the broad delta of the Skagit River.

Sedro-Woolley is located at the transition between these two physiographic areas. ~~The majority of the existing incorporated area lies within the floodplain delta of the Skagit River. Much of the incorporated area lies in the historic delta of the Skagit River. Only a small portion of the southernmost portion of the City lies within the 100 year floodplain as defined in the FEMA Flood Insurance Rate Map. A slightly larger are lies within the 500 year floodplain – mostly in the area south of State Street.~~ This area is level to nearly level alluvial bottom land. However, immediately to the north is an area consisting of level to extremely steep glaciated uplands, glaciolacustrine terraces, and glacial outwash terraces. Relative minor

areas are influenced by the geology of the bedrock which is typically phyllite and sandstone.

Due to the potential for flooding in the floodplain delta immediately adjacent to the Skagit River, the majority of new development is planned for the upland area in the northern portion of the urban growth area. Some of this area may not be suitable for development due to steep slopes. This constraint has been taken into account and offset by encouraging appropriate development in these areas consistent with the Critical Area Ordinance.

* Soil Survey of Skagit County Area, Washington, U.S. Department of Agriculture, Soils Conservation Service, 1989, p.2.

Soils

Some of the soils in Sedro-Woolley are associated with the floodplain of the Skagit River. This association has produced a soil map unit known as Urban land-Mt. Vernon-Field complex which consists of very deep, moderately well-drained, relatively level soils.

North of State Route 20 in the central part of the urban growth area, the predominant soils are Minkler silt loam and Skipopa silt loam. The Minkler unit consists of very deep, moderately well-drained soils which formed on river terraces. Glacial activity has influenced the Skipopa silt loam which is also very deep, but poorly drained due to underlying glaciolacustrine sediments. Limitations for development within these soil units consist of potential flooding (Urban land-Mt. Vernon-Field complex and Minkler silt loam), perched water table and slow permeability (Skipopa silt loam), and seasonal high water table (Mt. Vernon-Field complex).

The area between Sapp Road and Bassett Road is made of several discontinuous soil units, primarily Dystric Xerochrepts, Barneston gravelly loam, and Hoogdal silt loam. Dystric Xerochrepts is a soil found on steep escarpment which is moderately deep to deep and well-drained. Barneston gravelly loam is very deep, somewhat excessively drained and found

on outwash terraces. Hoogdal silt loam is a very deep and moderately well-drained soil located on short upland slopes. The area consisting of these three soils has the most limitations in terms of constructing homesites. The Dystric Xerochrepts units are limited by extremely steep slopes. Barneston gravelly loam has poor filtering capacity which limits its suitability for septic systems. The moderate to steep slopes found within Hoogdal silt loam map unit create moderate limitations which will be taken into account for each development.*

* Soil Survey of Skagit County Area, Washington, U.S. Department of Agriculture, Soils Conservation Service, 1989, p. 16,44,59,76,97, & 116.

Sedro-Woolley Vicinity Map



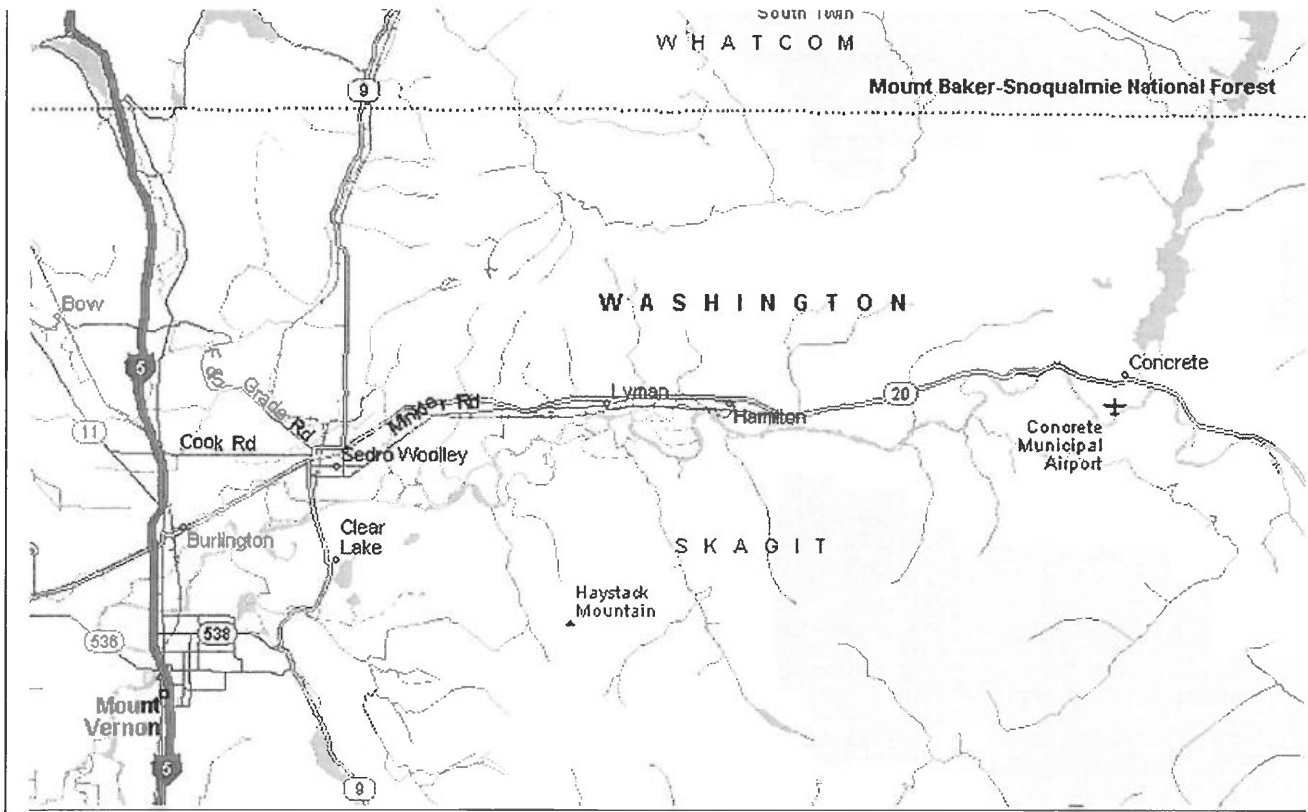
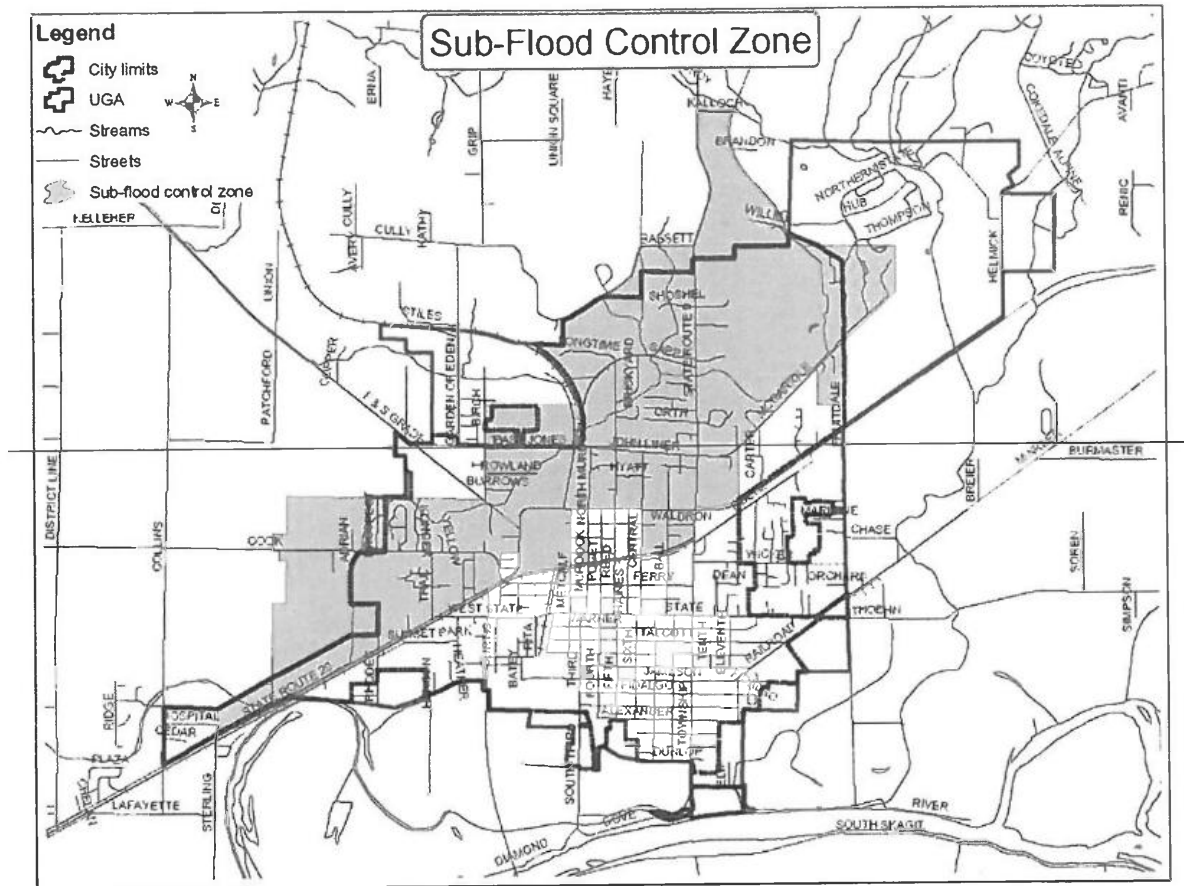


Figure LU 1A
Sub-Flood Control Zone



Surface Water

The Skagit River was the primary source of transportation during the early years of Skagit County. The salmon that thrived in the river also contributed to the local economy. In more recent years, the water quality and habitat value of the river have declined due to runoff from agricultural, urbanization, and clear cut areas. Increased soil erosion from upland areas has caused siltation of the river bottom reducing its navigability. The silty bottom has also discouraged salmon from spawning as they prefer a gravelly river bottom for laying eggs. Many locals believe the siltation is also responsible for the increased frequency and duration of flooding. They surmise that as the river bottom fills with sediments, the water is displaced causing the river level to rise.

Brickyard Creek and Hansen Creek are the primary conveyances for storm water to the Skagit River. Hansen Creek flows north and south along the eastern edge of the urban growth boundary. Due to the low level of urbanization adjacent to Hansen Creek, it is less important as a storm water conveyance. However, its value as habitat for fish and other wildlife species is very significant.

Brickyard Creek runs from the northeast to the southwest to where it meets the Skagit River. Most of the recent development in Sedro-Woolley drains into Brickyard Creek which is currently close to its maximum capacity. A recent study completed by Sturdy Engineering of Mount Vernon identified a number of restrictions caused by undersized or offset culverts that reduce the available capacity of Brickyard Creek.* A major restriction where the creek crosses State Route 20 in the western portion of the urban growth area was removed in the summer of 1996 with the completion of a new culvert and fish ladder.

* Sedro Woolley Sub-flood Control Zone Surface Water Management Plan, Sturdy Engineering Corporation, January 13, 1993, p. 4-7.

The conflict created by use of Brickyard Creek as a drainage facility and fish and wildlife habitat has resulted in difficulties for all concerned. Prior to the

early 1960's, Brickyard Creek flowed to the northwest where it joined the Samish River. However, a major ditching effort altered its course from a point in the vicinity of the Brickyard Creek subdivision on north Reed Avenue Street. From this point to its confluence with the Skagit River, Brickyard Creek has been totally engineered.

~~A~~ The Sedro-Woolley sub-flood control district was created by the county in 1972 to manage the drainage functions of the creek. The District was dissolved in 2012 and management of the creek was assumed by the city Public Works Department. Now any development which discharges stormwater to Brickyard Creek must receive approvals from the Public Works Department Skagit County Flood Engineer and the Department of Fisheries. The competing goals and mission statements of these two agencies can cause extensive delays and frustrations for developers and the local jurisdictions. The city of Sedro-Woolley ~~is in the process of developing a comprehensive stormwater management plan for its urban growth area. A part of this study will be to develop a cooperative process for the management of Brickyard Creek and incorporate it into a regional drainage management system adopted its Stormwater Management Plan in 1997. The Plan will be updated in conjunction with the 2016 Comprehensive Plan update. The city of Sedro-Woolley has adopted the 1992 stormwater management ordinance Department of Ecology 2005 Stormwater Management Manual for Western Washington as the basis for its stormwater management activities prepared by the Department of Ecology for the Puget Sound Basin. The Sub-Flood Control Zone is shown in Figure LU-1A. The city anticipates future adoption of the 2012/2014 Manual as required by the city's National Pollution Discharge Elimination System (NPDES) Stormwater Permit, including implementation of the LID requirements of the Permit.~~

On a larger scale, surface water provides the primary source of water for Skagit County. Public Utility District Number 1 of Skagit County is responsible for collecting, treating and distributing potable water

for the majority of the county. Sedro-Woolley's water comes from Judy Reservoir located south of the Skagit River. Surface water from the state and private lands is collected there and treated before being distributed to Sedro-Woolley.

Ground Water

Ground water is located below the earth's surface within the spaces between individual soil particles. Where there are layers of porous soil or rock sandwiched between less permeable layers, an aquifer is created. Many jurisdictions depend on aquifers as a primary source of water.

With so many jurisdictions removing water from aquifers, they must somehow be replenished. Areas where surface water filters through the ground to an aquifer are called aquifer recharge areas. The quality of surface water and the recharge areas is extremely important, because any contamination transmitted through these areas will affect the entire aquifer. In addition, because the ground water system is so extensive, once polluted it is very difficult to impossible to clean. A section of the city's ~~natural resource and sensitive~~ Critical Areas Ordinance provides regulations for the identification and protection of aquifers.

~~The city has developed a Critical Areas Ordinance which regulates development as it relates to areas characterized by Natural Resources and Sensitive Areas. Along with this ordinance are established a number of policies designed to protect the quality and quantity of ground water which is used for public water supplies. In addition, this ordinance also regulates drainage, flooding, and storm water runoff which may discharge pollutants to the groundwater. The city's Critical Areas Ordinance is codified in SWMC 17.65.~~

Wetlands

Wetlands are located primarily within the northern portion of Sedro-Woolley and its outlying vicinity. Specific locations of wetlands must be ground-truthed. For study purposes, the National Wetland

Inventory maps were used. The area of wetlands shown on these maps totals approximately 189 acres. This amounts to 3.6% of the urban growth area. An ordinance regulating development in wetland areas, and requiring site by site reconnaissance was first adopted by the city in March of 1992. A complete Critical Areas Ordinance was adopted in 2005 and addresses development that may affect wetlands and wetland buffers. The CAO was updated in 2016 in conjunction with GMA mandated updates to the Comprehensive Plan.

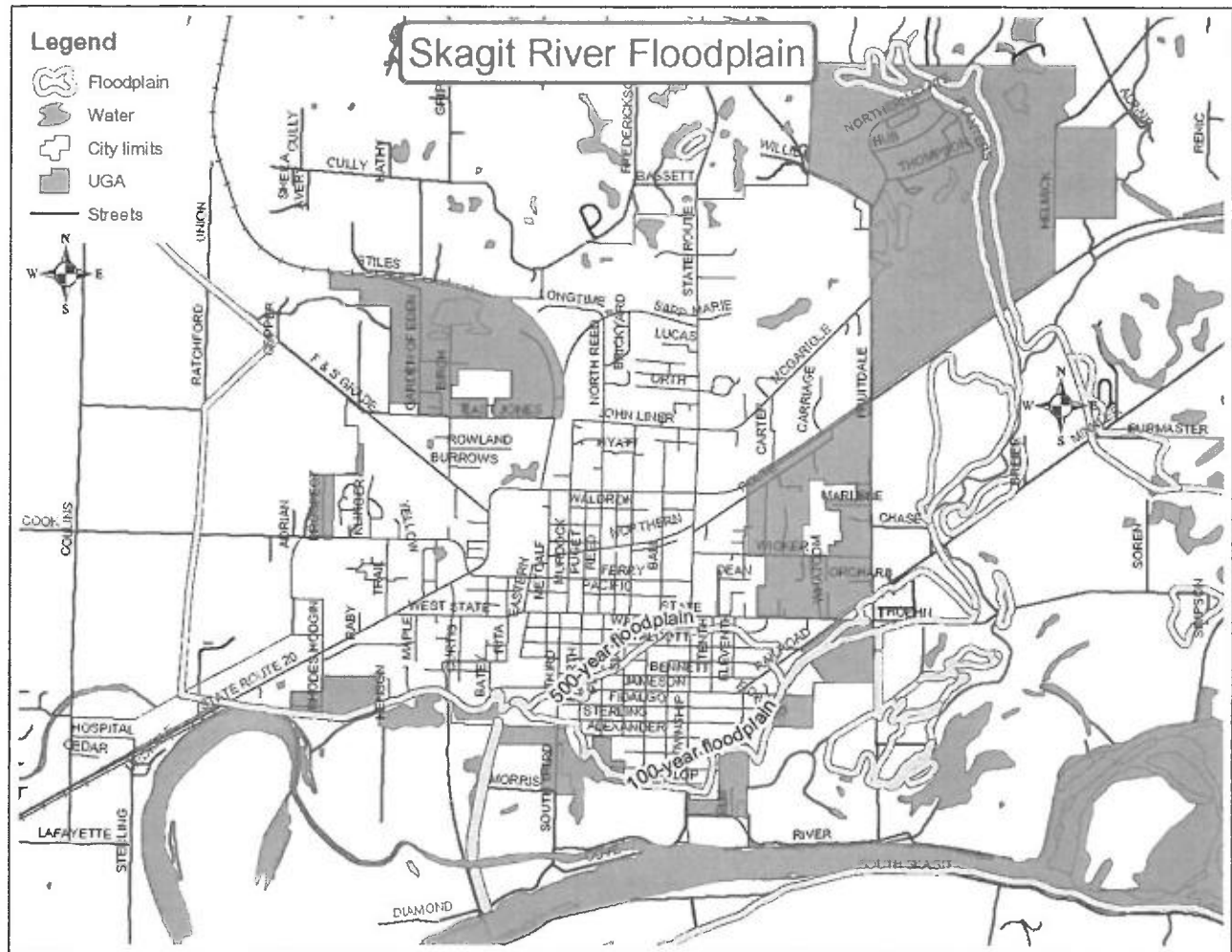
Frequently Flooded Areas

Sedro-Woolley is extremely fortunate in comparison to other municipalities in Skagit County. Almost all of its urban development is located outside of the one hundred (100) year floodplain. The one hundred (100) year flood elevations associated with the Skagit River were mapped by the Federal Emergency Management Agency in December of 1989. These elevations are fifty-two (52) feet in the eastern portion of the urban growth area, and forty-three (43) feet in the western portion (See Figure LU-2). All critical public facilities are located outside of the floodplain with the exception of the United General Hospital. The issue of the hospital location will have to be addressed on a site-specific basis as construction occurs.

Floods associated with the Skagit River occur primarily during November and December as a result of winter rainstorms. Spring floods can also occur when snowmelt caused by a sharp increase in temperature combines with unusually high levels of rainfall. This is a relatively rare occurrence, however, but was evidenced as recently as the spring of 1990. The record of past flood events in Sedro-Woolley is scarce, suggesting that the flood hazard on a community-wide scale is relatively low.*

* Flood Insurance Study: City of Sedro-Woolley, Washington, Skagit County, Federal Emergency Management Agency, December 5, 1989, p. 4.

Figure LU-2
Floodplain



Habitat

The primary wildlife habitats species in Sedro-Woolley are located along stream and river corridors. Anadromous fish runs have been identified in Brickyard Creek and Hansen Creek by the Washington State Department of Natural Resources (DNR). Other primary habitat areas are the palustrine wetlands located north of the incorporated city. Maps prepared by the Washington State Department of Wildlife showing detailed information for the Sedro-Woolley urban growth area are available for review at the office of the planning department. These areas are protected by the city's ~~sensitive areas ordinance~~ Critical Areas Ordinance which prescribes specific setbacks from stream and river banks and wetlands in order to protect water quality, enhance habitat and limit disturbances to animals.

Types of Land Use

In June of 1994, the Sedro-Woolley city council approved the comprehensive plan, land use element and comprehensive plan map presented in this comprehensive plan as the adopted land use plan following a public hearing on June 27, 1994. (See Figure LU-3 Adopted Land Use Plan). ~~Later modifications included the redesignations of property in the special study area near the downtown and the establishment of the eastern urban growth boundary~~ The land use map has been updated numerous times since 1994. Every rezone or UGA modification or annexation requires an update of the land use map.

(Ord. 1524-05, § 2 (Exh. C)(part))

EXISTING LAND USES AND LAND AVAILABILITY

The following data is provided as a statement of the current status of land availability. The jurisdictions in Skagit County have reviewed the State Office of Financial Management's (OFM) high, medium and low growth projections for Skagit County. Through a cooperative planning process, which included review by the Skagit Council of Government (SCOG) Growth Management Steering Committee, the jurisdictions determined that a medium-low population growth projection for the next 20 years is the best estimate. The expected population projection through 2036 in Skagit County is 155,452 residents. This is an increase of 35,751 from the estimated 2105 population. Complete data regarding the County's projected population growth can be found in the Countywide Planning Policies.

The 2036 population forecast for Sedro-Woolley and its unincorporated UGA is 17,069. (The 2025 population forecast for Sedro-Woolley, including the unincorporated urban growth area, is—was 15,000.) The 2015 estimated population of Sedro-Woolley is 10,700 residents in the city, and 12,514 in the city and UGA combined. Therefore an increase of 4,555 residents is expected – and must be planned for – in the city and UGA between 2015 and 2036.

2005-2015 OFM Estimated Population

City Limits: 10,700~~9,800~~

Unincorporated UGA: 1,814

2000 Estimated Population

City Limits—8,658

Unincorporated UGA—1,700

The current city limits encompasses ~~3.7~~4.1 square miles.

On behalf of the City of Sedro-Woolley, the economic and development consulting firm E. D. Hovee & Company, LLC (EDH) has prepared a buildable

land and land capacity analysis report (Report) as part of the City's Comprehensive Plan update which also involves review of urban growth area boundaries. The analysis is intended to meet requirements of the Skagit County Code (Chapter 14.08 SCC) together with Skagit County Planning Policies and City of Sedro- Woolley planning policies.

The Report is focused on evaluating the relationship of the buildable capacity to projected need for commercial/industrial (employment) and residential uses over the 20-year planning horizon from 2016 to 2036. Based on the allotment of the Skagit County Council of Governments (SCOG), Growth Management Steering Committee, Sedro-Woolley's population is projected to increase to 17,069 by 2036, an increase of 4,555 residents. Employment is forecast to increase by 4,427 for a total of 9,179 jobs. The Report addresses whether, and under what circumstances, land capacity will be adequate to accommodate these projections. The Report and August 25, 2015 addendum are included as Attachment A to the Land Use Element.

The Report included projected employment growth at the Center of Innovation and Technology (formerly Northern State Hospital Campus) that was annexed into city limits in 2015. A Planned Action Environmental Impact Statement was performed for the 225 acre property in 2015. The Preferred Alternative action of the Final EIS identified a capacity for – and identified mitigation measures for – 2,855 jobs at the facility. Those jobs are tied to the campus and not allocated towards the commercial/industrial land inventory outside the campus.

The Report showed that the UGA did not have adequate land supply to accommodate the projected population and employment growth through 2036. To accommodate the projected growth, the UGA boundaries were expanded in 2016 by the Skagit County Board of County Commissioners. As part of the UGA expansion that the Board of County Commissioners approved, two city-owned parcels were also added to the UGA; one zoned Open Space, the other

zoned Public. The two city-owned parcels do not affect population and employment land inventory, but add to the amount of recreational and open space land in the city's inventory. The land area within the parcels added to the UGA in 2016 totaled approximately 172 acres. The data in the Report reflect the UGA size and land uses prior to the 2016 UGA expansion. The existing updated area for each zone is as follows:

Zone	Acres
Residential 1 (R-1) Environmentally Constrained	43

Zone	Acres
Residential 5 (R-5)	771,201
Residential 7 (R-7)	714,565
Residential 15 (R-15)	107,82
Central business district (CBD)	147,76
Mixed commercial (MC)	157,267
Industrial (I)	242,199
Public use (P)	152,836
Open space (OS)	163,7
Total	2,306,306

The 2005 Land Capacity Analysis for residential and commercial/industrial uses is summarized in the tables that follow:

Summary of Residential Land Capacity

	Total Residential Acres	Net Residential Acres ¹	Total Potential Units ²	Existing Single Family	Existing Multi-Family	Total Existing Units	Total Capacity ³	Capacity Single Family ⁴	Capacity Multi-Family ⁵
City	1,592	796	5,229	2,740	1,025	3,765	2,089	1,733	356
UGA	622	311	1,665	380	277	657	1,088	1,088	0
Total	2,213	1,107	6,893	3,120	1,302	4,422	3,177	2,821	356

¹ Includes a twenty-five (25) percent infrastructure discount and a twenty-five (25) percent market factor discount (fifty (50) percent total).

² This number represents the total units that could be developed if the entire net residential acres were built out at the density zoned (i.e. seven units per acre for R7; five units per acre for R5; and fifteen (15) units per acre for R15).

³ The total number of units that can be accommodate based on current zoning.

⁴ The number of units that can be accommodated assumed to be single family based on current zoning.

⁵ The number of units that can be accommodated assumed to be multi family based on current zoning.

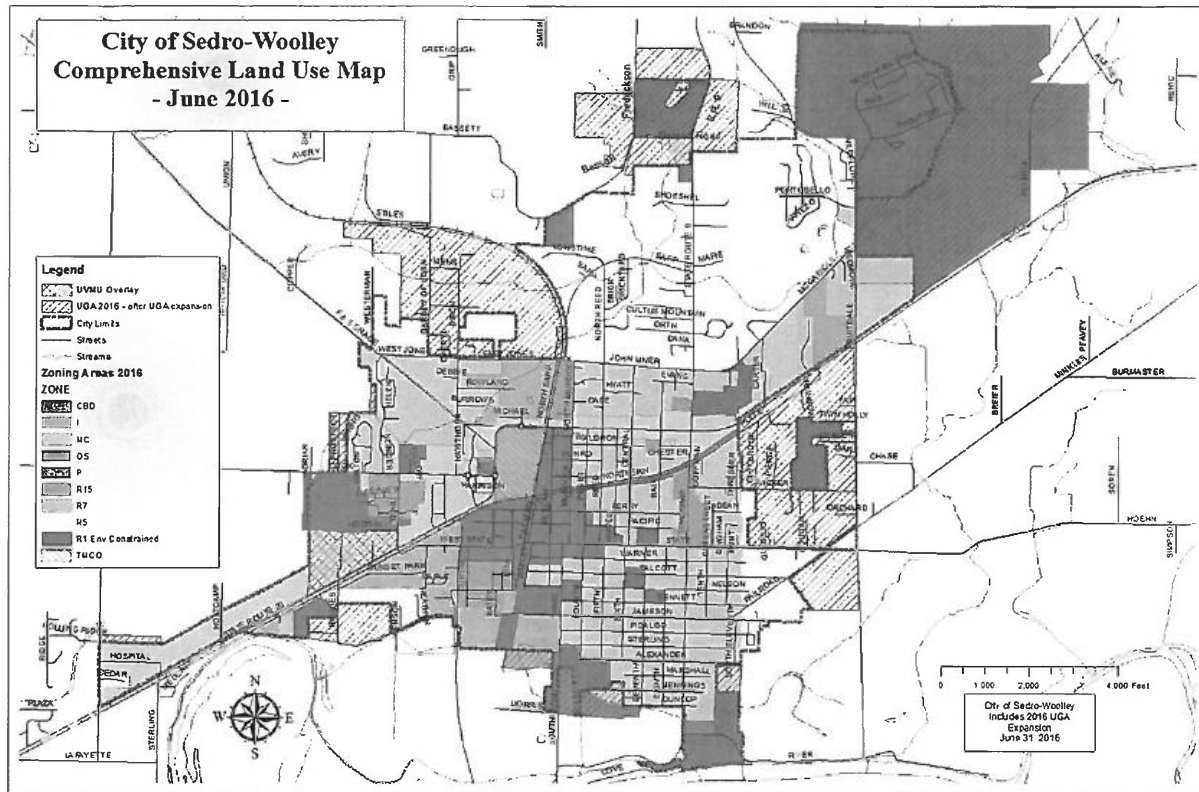
The residential analysis indicates that the city and its associated urban growth area has the capacity to accommodate 3,177 housing units or 8,206 new residents.

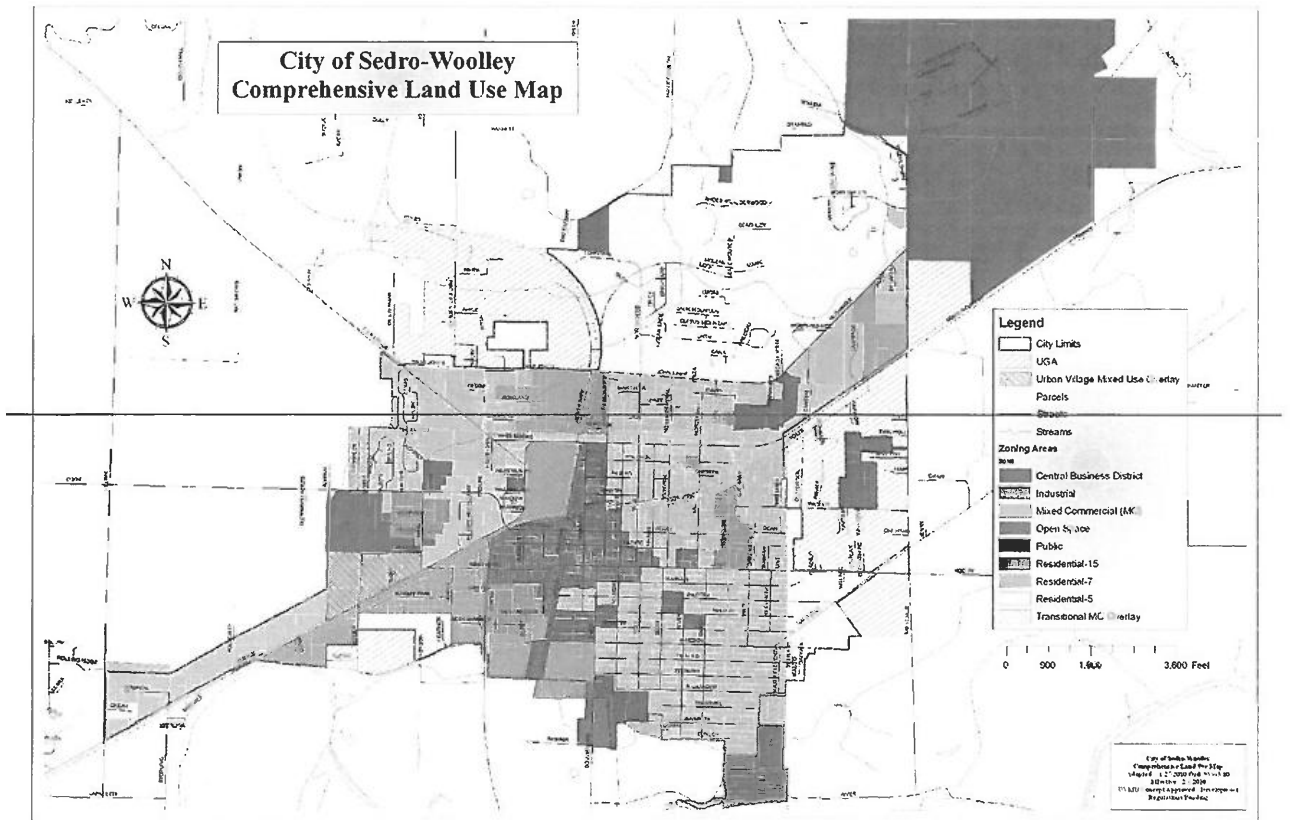
Summary of Industrial/Commercial Land Capacity

	MC	CBD	Total Commercial	IND	Total Commercial/Industrial	Undeveloped or Underdeveloped ¹
City	157	147	304	242	546	292
UGA	21	0	21	43	64	39
Total	178	147	325	285	610	331

¹ This includes approximately sixty (60) acres of residentially developed land that is zoned as central business district.

Figure LU-3
Proposed Land Use Plan





(Ord. 1663-10)

LAND USE GOALS AND POLICIES

Goal LU1: To safely accommodate population growth without causing urban sprawl.

Policy LU1.1: Establish an urban growth area (UGA) to include existing and future urban land uses.

Policy LU1.2: Prevent urban development outside the urban growth area (UGA).

Policy LU1.3: Allow expansion of Sedro-Woolley through annexations primarily for single-family residential development.

Policy LU1.4: Pursue industrial park development within all industrial designated areas.

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

Policy LU1.6: Provide for limited commercial development catering to auto-oriented customers and tourists along State Route 20, outside the central business district.

Goal LU2: To coordinate land use decisions within and surrounding the urban growth area with other jurisdictions.

Policy LU2.1: Support inter-jurisdictional efforts to address problems which may arise having regional impacts.

Policy LU2.2: Coordinate with Skagit County and the city of Burlington to limit development and preserve a green belt/open space in the area between the Sedro-Woolley and Burlington UGAs.

Policy LU2.23: The urban growth area is subject to joint planning by the city of Sedro-Woolley and Skagit County. Coordinate review with Skagit County of development proposals within the UGA to ensure consistency with the goals of the comprehensive plans. The city shall enter into any necessary Memorandum of Agreements with the county regarding codes and standards to be applied in the UGA.

Policy LU2.4: Encourage UGA growth to the north of city limits.

Goal LU3: To provide concurrent urban services.

Policy LU3.1: Coordinate land use decisions with the transportation and capital facilities elements of the comprehensive plan.

Policy LU3.2: Establish transportation and sanitary sewer services as “urban” services requiring concurrency under the Growth Management Act (GMA).

Policy LU3.3: Do not approve developments that cannot be serviced by city transportation and sewer services.

Policy LU3.4: Deny approval to developments that would lower streets or sewer lines below established levels of service standards, unless:

1. The city accounts for such deficiency in its capital facilities plan, or
2. The developer provides services which maintain the level of service standard.

Policy LU3.5: Ensure that new development bears its fair share of the cost of associated increases in required capital facilities and services.

Policy LU3.6: Prohibit extension of city sewer services outside of the city limits without annexation and transference of governance.

Goal LU4: To reduce damages from natural disasters and preserve the characteristics of the natural environment.

Policy LU4.1: Promote open space, recreation, and agriculture as the highest and best use of land in flood-prone areas.

Policy LU4.2: Implement a community flood-preparedness program.

Policy LU4.3: Require new residential development in outlying areas to provide adequate buffer areas to relieve conflict with adjacent operations on natural resource lands that may be incompatible with residential living.

Policy LU4.4: Provide effective and timely application of sensitive and critical area land use policies, including SEPA review for all developments involving potentially significant environmental issues.

Policy LU4.5: Coordinate with Skagit County and the others jurisdictions in county to update and maintain the Skagit County Natural Hazards Mitigation Plan.

Goal LU5: To preserve community character.

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

Policy LU5.2: Resist growth pressures which could have a negative impact on community values.

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

Policy LU5.4: Preserve and enhance Sedro-Woolley's rural and agricultural character by allowing necessary agricultural support services and facilities.

Policy LU5.5: Prevent incompatible uses within residential areas.

Policy LU5.6: Ensure that the community's planning programs reflect basic community values.

Policy LU5.7: Recognize the rights of property owners to freely use and develop private property consistent with city regulations.

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

Goal LU6: To provide clear review and approval processes for land use actions.

Policy LU6.1: Adopt a future land-use map as a part of this comprehensive plan as a guide for development of zoning regulations.

Policy LU6.2: The following categories shall be used on the future land use map. Permitted uses will be refined in the development regulations which shall accompany the comprehensive plan.

CBD: Central Business District. Allows all forms of commerce which are geared to the centralized provision of goods and services within easy walking distance. Commercial retail and office uses are allowed on the first floor, and retail compatible uses on the second floor. In addition, multifamily housing located above the first floor or at the rear of a commercial and/or retail occupancy is allowed.

MC: Mixed Commercial. Allows a compatible mix of commercial and residential development with standards intended to present an attractive and welcoming appearance to visitors at the entrances to the city and at selected nodes along major roads.

I: Industrial. Allows office parks, wholesaling, manufacturing, live/work units, and limited retail and services.

R-15: Residential (15). Allows multi-plex developments of up to eight units per building, to a maximum density of fifteen (15) dwelling units per acre.

R-7: Residential (7). Allows single lot developments to a maximum density of seven units per acre, with a

minimum lot size of six thousand (6,000) square feet. Allows duplexes on appropriately sized lots (minimum duplex lot size of nine thousand (9,000) square feet). Allows planned residential developments (PRDs) with varying residential densities as a conditional use.

R-5: Residential (5). 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.

R-1: Residential Environmentally Constrained. Allows single lot developments to a maximum density of one unit per acre, to protect unique and environmentally sensitive lands. Allows planned residential developments (PRDs) with varying residential densities as conditional uses.

P: Public-Facilities. Allows parks, schools, public infrastructure and other developments intended primarily for public use.

OS: Open Space. Land which may not be residentially developed. Includes identified sensitive and critical areas. Agriculture and recreational uses shall remain a permitted use in open space areas under the provisions established for sensitive or critical areas.

S: Special Districts provide opportunity for land use designations to accomplish specific public policy goals that include overlay zones and other zoning approaches, including:

Urban Village Mixed-Use (UVMU) overlay zone. An overlay zone, in a specific geographic area, that allows for and encourages higher density residential and commercial development in a mixed-use development. This overlay zone will encourage higher concentration of development allowing for open space, efficient use of land and a more urbanized environment.

Transitional Mixed Commercial Overlay (TMCO). The intent of this overlay is to encourage the conversion of the underlying zone from Industrial to Mixed Commercial Zone. Ultimately, the area in the overlay is intended to become a compatible mix of commercial and residential development. Standards are intended to present an attractive and welcoming appearance to visitors. This area is situated at the center of town and is highly visible from State Route 20 and State Route 9. The area is intended to develop commercially so as to attract more visitors to the core of the city, which includes the adjacent Central Business District. The Transitional Mixed Commercial overlay is intended to allow the continuing use of the property for its historical industrial uses as the commercial transition process proceeds.

Policy LU6.3: Establish a concurrency review procedure. The developer shall be responsible for providing information on impacts the proposed development will have on public services. The city shall be responsible for determining if adequate public facilities can be provided to the development within the confines of the current Capital Facilities Plan.

Policy LU6.4: Develop and implement design review procedures for all land use zones. Residents and property owners in the affected designation areas shall be involved in this process, to the extent possible.

Policy LU6.5: Develop and implement a local historic and cultural preservation procedure.

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.

~~Policy LU6.7: The city should develop a Transfer of Development Rights (TDR) program to preserve open space and respect private property rights.~~

Goal LU7: To preserve Sedro-Woolley's unique history and small-town character.

Policy LU7.1: Preserve historically-significant buildings, trees and sites within the Sedro-Woolley ~~urban growth area (UGA)~~ UGA through the development of historic preservation and urban forestry programs.

Policy LU7.2: Preserve culturally-significant sites identified within the Sedro-Woolley urban growth area. Do not allow development or encroachment upon sites identified as significant by the Upper Skagit Tribe.

Policy LU7.3: Recognize and retain logging and other timber-industry practices as a heritage of this community. Strive to preserve this heritage while supporting and encouraging the development of modern forest-practices industries.

Policy LU7.4: Establish a renewable forest-industry and river wildlife theme for public spaces within the ~~urban growth area (UGA)~~ UGA.

Policy LU7.5: Create and adopt a neighborhood plan for the central business district (CBD). Adopt design standards to preserve the "small town" character of the retail area.

Goal LU8: To maintain a hospitable, welcome environment for new Sedro-Woolley residents.

Policy LU8.1: At the neighborhood level, establish citizen welcoming committees, responsible for welcoming new Sedro-Woolley residents to the community.

Policy LU8.2: Conduct community receptions concurrent with the opening of major apartment developments, mobile home parks or residential subdivisions. These receptions should be sponsored by the city in conjunction with local community organizations.

Policy LU8.3: In conjunction with the Sedro-Woolley chamber of commerce, prepare a brochure entitled "Welcome to Sedro-Woolley." This brochure should provide emergency information, local history, information on annual community activities, and a community resource list. It should be distributed to all new Sedro-Woolley residents, and be available in both English and Spanish.

Goal LU9: To welcome and encourage multiculturalism.

Policy LU9.1: To not tolerate discrimination based upon sex, ~~race, ethnicity,~~ income, lifestyle, religion, language or place of origin in any activity occurring within the ~~Sedro-Woolley urban growth area (UGA)~~ UGA.

Policy LU9.2: Upon request, provide public documents and election materials in languages other than English.

Policy LU9.3: Encourage and promote the development of minority businesses within the ~~urban growth area (UGA)~~ UGA.

Policy LU9.4: Recognize and retain Native American culture present within and near the ~~urban growth area (UGA)~~ UGA. Improve and enhance relations with the Upper Skagit Tribe. Encourage development of Tribal businesses within the ~~central business district (CBD)~~ CBD.

Goal LU10: To create a safe, active environment for youth.

Policy LU10.1: To not tolerate the formation, activity or existence of gangs within the ~~Sedro-Woolley urban growth area (UGA)~~ UGA.

Policy LU10.2: Seek to reduce youth violence through intervention and education.

Policy LU10.3: In conjunction with community organizations and the Sedro-Woolley school district,

provide comprehensive youth activity programming during after-school hours and evenings. Coordinate this programming with recreation activities proposed in the parks and recreation element of the comprehensive plan.

Policy LU10.4: Maintain well supported and equipped police and fire protection services.

Policy LU11: To further community values through education.

Policy LU11.1: In conjunction with the Sedro-Woolley school district, ensure that the curriculum within Sedro- Woolley schools emphasizes community history and reflects community values.

Policy LU11.2: In conjunction with the Sedro-Woolley school district, ensure that the curriculum within Sedro-Woolley schools emphasizes social and environmental responsibility.

Policy LU11.3: Establish a joint agreement between the city of Sedro-Woolley and the Sedro-Woolley school district for joint use of city and school facilities as necessary to accomplish the goals of the parks and recreation elements of the comprehensive plan.

Policy LU11.4: Coordinate and administer a series of community forums to educate community residents about changes occurring within Sedro-Woolley related to growth. Where possible, these forums should be led by citizens.

Goal LU12: To provide local representation and community empowerment.

Policy LU12.1: Ensure constitutional representation on the city council.

Policy LU12.2: File application with the state of Washington to be recognized as a code city.

Policy LU12.3: Reactivate the city's ward system. Redelineate wards and/or add new wards to reflect

the distribution of population. Extend wards to the limits of the ~~urban growth area (UGA)~~UGA.

Policy LU12.4: Within neighborhood wards, encourage residents to organize local improvement districts (LID's) to repair residential streets. Also encourage residents to participate in community awareness programs, such as blockwatch.

Policy LU12.5: Encourage neighborhood residents to resolve local disputes through neighborhood wards.

Policy LU12.6: Commit to honest, equal citizen participation in city processes. Encourage, respect and reward citizen activism.

Goal LU13: To provide open space buffers within and adjacent to Sedro-Woolley's Urban Growth Area.

Policy LU13.1: Designate floodplain areas for open space, recreational, and agricultural purposes.

Policy LU13.2: The city shall provide input and coordinate the review of development proposals with Skagit County to ensure the integrity of unincorporated open space within Sedro-Woolley's urban growth area.

Goal LU14: To preserve Sedro-Woolley's existing agricultural lands and heritage.

Policy LU14.1: Work to adopt an agricultural preservation overlay zone which reduces development pressure and enhances the long-term viability of existing agricultural uses within the urban growth area. This zone would be enacted upon petition by the property owner and not imposed by the city.

Policy LU14.2: Recognize and promote the benefits of agricultural land which include maintaining open spaces, establishing rural character, preserving view corridors, enhancing wildlife habitat, and providing employment for the residents of Skagit County.

Goal LU15: To resolve conflict between existing agricultural uses and quickly growing residential areas.

Policy LU15.1: Work to develop “Right to Practice Agriculture/Forestry” ordinances which require notification of home buyers adjacent to resource lands or related operations.

Policy LU15.2: Establish a building setback of fifty (50) feet and a tree-planting setback of thirty (30) feet for residential areas along the perimeter of the urban growth area which are adjacent to agricultural areas. Explore the allowance of a density credit for the setback area.

Goal LU16: To protect, sustain and maintain Sedro-Woolley’s critical areas, sensitive areas, and natural resource lands for present and future generations.

Policy LU16.1: Provide necessary funds to identify, inventory, and classify sensitive and critical areas and natural resource lands within the ~~urban growth area (UGA)~~ UGA.

Policy LU16.2: Provide the public, staff, and decision making bodies with information pertaining to the identification, classification, and designation of critical areas.

Policy LU16.3: Require, as appropriate, site-specific delineation of sensitive and critical areas by owners/developers of property as part of the development review process.

Policy LU16.4: Provide incentives to encourage the use of environmentally sensitive designs including the use of LID principles, LID best management practices (BMPs) and other means such as cluster housing, ~~that which~~ would provide for adequate open space and protection of critical areas.

Policy LU16.5: Promote land use patterns and methods of development that will protect the value of sen-

sitive and critical areas, and prevent hazardous conditions.

Policy LU16.6: Develop funding mechanisms to permit the city acquisition of sensitive/open space areas for the public benefit. Integrate public park and/or trail systems with natural areas where appropriate, but ensure that such uses do not degrade the natural function of these areas.

Policy LU16.7: Coordinate efforts with appropriate Skagit County and state of Washington agencies to provide maximum protection for critical and natural resource areas.

Goal LU17: To control the impacts of development activities on the quality of surface and ground water.

Policy LU17.1: Establish clearing, grading and filling restrictions in areas where such activities will impact water resources and associated habitat areas.

Policy LU17.2: Establish storm water runoff controls including use of the appropriate LID BMPs which prevent erosion, sedimentation, minimize stormwater runoff and discharge of pollutants into natural drainage systems.

Policy LU17.3: Preserve and enhance vegetation including use of appropriate LID Principals to minimize impervious surfaces, minimize vegetation loss, and stormwater runoff as a means of protecting both water quality and wildlife habitat.

Policy LU17.4: Develop construction management practices which reduce the potential for erosion and water quality both during and after land development and construction.

Policy LU17.5: Require future developments to use city sewer facilities whenever feasible rather than septic systems.

Policy LU17.6: Allow wetland or stream alteration when such alterations results in restoration or enhancement of functions and values of degraded wetlands and streams.

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

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

Policy LU17.9: Coordinate basin-wide surface-wide surface water planning with the Skagit County surface water management department.

Policy LU17.10: Water-courses, wetlands, bodies of water and their shores should be kept in a natural condition where possible, and protected from development impacts through the use of buffers and green spaces.

Policy LU17.11: Conduct an inventory of all significant drainage patterns and make this information available to planners and the public.

Policy LU17.12: Preserve natural; stream environments along the Skagit River and Hansen Creek. Restrict development within two hundred (200) feet of both streams, in compliance with the Shoreline Management Act (SMA).

Goal LU18: To protect steep slopes and unstable soil areas from the impacts of development, and likewise protect development from hazards posed by the steep slopes and unstable soils.

Policy LU18.1: Prohibit or strictly limit development in steep slope and unstable soil areas which pose seismic and/or erosion hazards.

Policy LU18.2: Require geotechnical analysis for developments with steep slopes and/or unstable soil areas to understand the extent of potential hazards.

Policy LU18.3: Adopt construction standards, zoning requirements, and enforcement procedures to protect life, property, and the environment in geologically hazardous areas.

Policy LU18.4: Prohibit or restrict clearing of vegetation in areas which are susceptible to landslides and erosion.

Policy LU18.5: Encourage hillside stabilization and replanting of disturbed slopes in order to prevent erosion and further degradation of steep slopes and unstable soil areas.

Policy LU18.6: Require the use of vegetative buffers to separate areas of development from critical and steep slope areas.

Goal LU19: To preserve, enhance, and promote a high degree of air quality in Sedro-Woolley.

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.

Policy LU19.2: Discourage the use of wood burning as a primary source of household heat and promote alternative heating sources.

~~Policy LU19.3: Limit the burning of leaves, brush and debris on designated days of the week or times of the year.~~

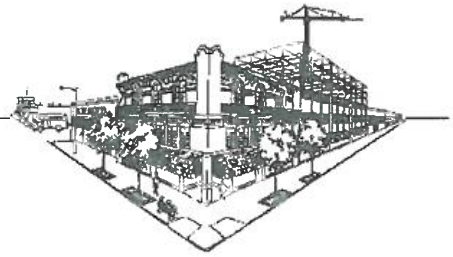
~~Policy LU19.4: Insure that local industries, commercial businesses, and residents comply with state, federal, and local environmental regulations concerning air quality.~~

(Ord. 1629-08, § 2, Ord. 1663-10 (part))

E. D. Hovee & Company, LLC

Economic and Development Services

APPENDIX A TO LAND-USE
ELEMENT



MEMORANDUM

To: John Coleman, AICP, Planning Director, Sedro-Woolley Planning Department
From: Eric Hovee & Andrea Logue
Subject: Sedro-Woolley Buildable Land & Land Capacity Analysis Report
Date: July 16, 2015

On behalf of the City of Sedro-Woolley, the economic and development consulting firm E. D. Hovee & Company, LLC (EDH) has prepared this buildable land and land capacity analysis report as part of the City's Comprehensive Plan update which also involves review of urban growth area (UGA) boundaries. The analysis is intended to meet requirements of the Skagit County Code (Chapter 14.08 SCC) together with Skagit County Planning Policies and City of Sedro-Woolley planning policies.

This report is focused on evaluating the relationship of the buildable capacity to projected need for commercial/industrial (employment) and residential uses over an approximately 20-year planning horizon to 2036. Based on the allotment of the Skagit County Council of Governments (SCOG), Growth Management Steering Committee, Sedro-Woolley's population is projected to increase to 17,069 by 2036, a gain of 4,555 residents. Employment is forecast to increase by 1,572 for a total of 6,324 jobs. Pivotal questions to address are whether, and under what circumstances, land capacity will be adequate to accommodate these projections.

This report is organized to cover the following topics:

- **Land use methodology** – including zoning classifications, role of public lands, property development status, critical areas/constraints, and analysis assumptions.
- **Buildable land and capacity analysis** – covering results of the buildable land inventory, land capacity, and comparison of capacity with SCOG population and job allocations.
- **Findings and recommendations** – including policy options for City consideration.

Two appendices are provided at the end of this report. *Appendix A* lists documents that have been reviewed for this analysis. *Appendix B* provides residential and commercial/industrial inventory maps. This report reflects revisions that have been made in response to questions and comments received on an earlier draft document.

LAND ANALYSIS METHODOLOGY

This buildable land and capacity analysis has relied on geographic information system (GIS) parcel-based files as provided by the City and available from the Skagit County assessor's office. Where existing databases were in conflict or without adequate information, other means were utilized to clarify and augment the data available. This included visual review via aerial photography, used most notably to designate current development status.

The analysis also has been prepared in a manner to conform to a methodology agreed upon by jurisdictions in Skagit County. Of particular importance has been reference to the *2010 Buildable Lands & Land Capacity Analysis Report* by the City of Mount Vernon Community and Economic Development Department. Also of use for methodology and the industrial lands portion of the analysis was a countywide *Skagit County Industrial Land Study* completed by ECONorthwest in December 2014. Other information sources utilized are as noted in this report and Appendix A.

Factors important to the land analysis methodology for this report begin with Sedro-Woolley's zoning classifications as found in the Sedro-Woolley Zoning Code. This review is followed by discussion of the role of public lands for employment use, definitions related to development status and critical areas/constraints, and then summary assumptions utilized for residential and employment lands.

Zoning Classifications

Zoning classifications are those as identified with the City of Sedro-Woolley Zoning Code:

Residential Zones:

- Residential 5 (R5) – for single-family use at up to 5 dwelling units (DU) per acre
- Residential 7 (R7) – primarily single-family at up to 7 DU per acre
- Residential 15 (R15) – allowing single- and multi-family uses at 4-15 DU per acre

Employment Zones:

- Mixed Commercial (MC) – encouraging a mix of commercial with upper level residential
- Central Business District (CBD) – allowing all forms of commerce with multi-family housing on upper levels or independent, at 2-4 DU per building for specified locations
- Industrial (I) – intended for manufacturing, warehousing, distribution and office uses

Public & Open Space Zones:

- Public (P) – for parks, schools, public infrastructure and related public use
- Open Space (OS) – for parks, recreation, public infrastructure and related public use

While residential zones allow home occupations, this analysis assumes that employment growth will be accommodated primarily on commercially and industrially zoned land. Conversely, while residential use is allowed with limitations in the MC and CBD commercial zones, there has been little such development to date and no residential development is allocated to these lands over the forecast period of this plan update.

Role of Public Lands For Employment Use

Public lands serve as a potential resource for employment in two respects. First, a significant (approximate 36% share) of the net job growth allocated by SCOG for Sedro-Woolley is forecast to comprise government and education employment. While some of this job growth as for schools may occur on land zoned for public use, most of the growth for City and other agencies can be expected to occur primarily on lands designated for commercial and industrial use.

Second, while the Northern State site is currently zoned for Public (P) use, it is anticipated that subarea planning for this site may include allocation for net added employment uses. Based on discussions with SCOG, all of this job growth may be considered as outside the SCOG allocation, as with targeted high technology/bioenergy sectors that otherwise would not be expected to locate in Sedro-Woolley. The Northern State Subarea Plan and Environmental Process involves consideration of alternatives affecting intensity of employment related development and is proceeding separately from this buildable land and land capacity analysis.

In summary, for purposes of this analysis it is assumed that: a) most or all public employment growth may need to be accommodated on industrial and commercial lands; and b) any added employment with the Northern State site will constitute a new and separate jobs allocation from SCOG not included with this buildable land analysis.

Development Status

As stated in the *Skagit County Industrial Land Study*, a key step in the buildable land analysis is to classify each tax lot into a set of mutually exclusive categories. This determination of development status represents an important first step in the analysis process for commercial and residential, as well as industrial, lands. With this analysis, all tax lots within the current Sedro-Woolley UGA have been classified into one of the following categories:

- **Vacant land.** Tax lots that have no structures, or have buildings with very little value. For the Sedro-Woolley buildable land analysis, tax lots with improvement values under \$10,000 are considered vacant. This designation was determined after review of alternative definitions used, is consistent with the Skagit County industrial study, and is applied to not just industrial, but also residential and commercial lands. This approach also avoids the need to determine habitable structures (as was done in Mount Vernon), which can be relatively time-consuming. As needed, site-by-site determinations have been made through review of GIS data, aerial photographs, and review by City staff.

- **Partially vacant land.** Partially vacant tax lots are those that are occupied, but which contain enough land to be further subdivided without rezoning. As needed, site-by-site determinations have been made through review of GIS data, aerial photographs, and review by City staff.
- **Unbuildable land.** Land that is impacted by critical lands or constraints that preclude development. A tax lot is classified as unbuildable if: a) it is more than 90% constrained (per the Skagit County industrial study); b) involves less than 10,000 square feet of buildable land for employment land; and/or c) does not have land to accommodate the zoned density of development in a residential zone on a lot with less than 10,000 buildable square feet.
- **Developed land.** Land that is already developed at densities consistent with zoning, and has improvements that make it unlikely to redevelop during the analysis period. Lands not classified as vacant, partially vacant, or unbuildable are considered as developed.

Critical Areas/Constraints

Critical areas or constraints intersecting tax lots are deducted from tax lot area. The following list identifies the constraint and method of deduction from buildable land area:

- **Floodway** – all affected area is deducted and considered unbuildable.
- **Slope Instability** – all area affected by high probability of slope instability deducted and considered unbuildable.
- **River/Stream/Creek Buffers** – all affected area deducted and considered unbuildable.
- **Bonneville Power Administration Easement (262.5 Feet)** – all affected area deducted and considered unbuildable.
- **Puget Sound Energy Easement (100 Feet)** – all affected area deducted and considered unbuildable.
- **Williams Pipeline Easement (75 Feet)** – all affected area deducted as unbuildable.
- **Wetlands** – deduction of 50% of the buildable area of affected tax lots. This analysis was informed by use wetland data provided by the City in the form of the National Wetlands Inventory and ATSI data created by a wetland specialist to indicate areas that are likely to be wetlands based on visual confirmation and known soil types.
- **100 Year Floodplain** – deduction of 50% of the buildable area of affected tax lots.

Assumptions

In addition to factors related to development status and critical areas/constraints, there are a variety of other considerations important to the land capacity evaluation – related to density of development, infrastructure and market factors, plus factors distinctive to the type of residential, employment and public/open space uses being considered. Provided on the following two pages is a summary outline of key assumptions, factors and metrics considered and applied with this 2105 Sedro-Woolley Buildable Land and Land Capacity Report.

Summary of Assumptions Applied with Residential, Employment & Public Lands

Factor	Allocation(s)	Comments
ALL PARCELS IN SEDRO-WOOLLEY (Residential, Employment & Other Lands)		Utilizes City GIS datasets including city/UGA boundaries, parcel boundaries, zoning designations, streams, critical areas (flood/wetlands), streets, railroad, BPA and natural gas pipeline, as well as Skagit County Comp Plan designations and Washington State Department of Natural Resources for slope stability GIS data.
RESIDENTIAL LANDS (R-5, R-7, R-15 Zones)		Covers three zones allocated exclusively for residential use. While residential is allowed in some employment areas, no capacity allocation appears to be made in the current Comp Plan (for 4,555 added residents by 2036).
Residential Capacity (in acres for housing units)	= parcel size (acres) - existing land in use - critical areas - infrastructure - market factor	# of added units on parcel is determined by dividing residential capacity (in acres) by maximum units/acre with zoning – rounded down to nearest whole number. As needed, spot check parcels w/existing units to make sure configuration allows for added units.
Maximum Density (Residential)	R-5: 5 units/ac R-7: 7 units/ac R-15: 15 units/ac	Consistent with current Comp Plan, Section 2.12. Duplexes are permitted with R-7 zone @ approx 10 du/ac but limited to only one duplex lot per 3 successive lots; no adjustment to maximum density calculation proposed.
Average Household Size	2.59 persons per occupied household	Average household size is per Washington State Office of Financial Management (OFM), with 92.9% occupancy.
Critical Areas / Constraints	Deducted out of gross parcel area	Includes critical areas of floodway, Brickyard Creek plus associated buffers, slope instability, utilities, wetlands and floodplain. Mount Vernon tested implications of 40%/60% of wetland area as undevelopable; a 50% factor for wetlands/floodplain is applied for Sedro-Woolley.
Infrastructure	25% infrastructure deduction on all lots	Consistent with current adopted Comp Plan; allocations are made after known critical area deductions.
Minimum Lot Size	< 90% constrained w/ 1+ buildable lots	Threshold buildable lot size determined based on the maximum allowed density of each residential zone plus 25% infrastructure requirement.
Market Factors	15% vacant land 20% lots w/structure	Used Mount Vernon standard, which is below the current Sedro-Woolley Comp Plan allocation of 25%.
Employment in Residential Zones	No allocation proposed	Home occupations permitted and offices conditional uses in all residential zones (permitted in R-15; provisions more liberal for other employment uses in R-7/R-15). No adjustment for employment in residential is proposed.
Planned Residential Developments	No adjustment proposed	Zoning allows as conditional use in R-5/R-7 zones; capacity calculations treated no differently than other residential development in the same zones.

Factor		Allocation(s)	Comments
EMPLOYMENT LANDS (MC – Mixed Commercial, CBD – Central Business District, I – Industrial)			Covers 3 zoning districts for existing business expansion and new industrial/commercial development (to accommodate 1,572 added jobs by 2036).
Employment Land Capacity (in acres for jobs)	= parcel size (acres) - existing land in use - critical areas - infrastructure - market factor		# of added jobs on parcel is determined by dividing employment land capacity (in acres) by maximum applicable jobs/acre – rounded down to nearest whole number. Spot check parcels w/existing businesses to make sure configuration allows for added development.
Employment Density	6.5 jobs/ac industrial 20 jobs/ac comm'l & government		No job targets or density estimates in existing Comp Plan. Proposal matches Mount Vernon, job density standards of 1995 Skagit Co OEDP & 2003 countywide allocations.
Critical Areas / Constraints	Deducted out of gross parcel area		Includes critical areas of floodway, Brickyard Creek plus associated buffers, slope instability, utilities, wetlands and floodplain. Mount Vernon tested implications of 40%/60% of wetland area as undevelopable; a 50% factor for wetlands/floodplain is applied for Sedro-Woolley.
Infrastructure	25% infrastructure deduction on all lots		Consistent with current adopted Sedro-Woolley Comp Plan; above 20% EDH deduction for Mount Vernon. Allocations made after known critical area deductions.
Minimum Lot Size	10,000 sf (and < 90% constrained)		Consistent with Mount Vernon capacity analysis as minimum size for stand-alone uses.
Market Factor	25% deduction		Matches existing Sedro-Woolley Comp Plan and factor recommended by EDH with 2006 Mount Vernon analysis.
Job Allocations by Zone	Retail jobs to C zones Industrial jobs to I Office jobs flex to C/I Public jobs to Public		CBD/MC zones focus on retail & general (office) services as permitted uses, also includes light mfg in MC zone. I zone permitted for mfg, warehousing, distribution & office uses with limited retail at up to 5% of total site.
Housing in Employment Zones	No allocation proposed		Residential above first story commercial permitted in MC, Transitional MC zones, and CBD zones; multi-family @ 2-4 units per building permitted on secondary CBD streets; little such development to date & no allocation proposed.
PUBLIC / OPEN SPACE LANDS			Covers Public and Open Space zoning designations.
Inventory	= Gross acres by zone <i>Note:</i> Deduct planned conversions of other zones to public use		Covers land associated with all Public and Open Space zoned sites including the subarea planning process now underway with the Public-zoned Northern State UGA site. Analysis for Northern State site being conducted via a separate planning process for Sedro-Woolley.
Employment Allocation	Public employment job growth allocated to industrial & commercial lands		Policy option for some portion of public sector (as with schools) employment to be allocated to Public zoned land. Potential for added R&D, tech or related jobs at Northern State to be determined (as an add-on to Sedro-Woolley's current jobs allocation by Skagit County).

BUILDABLE LAND & CAPACITY ANALYSIS

Consistent with the methodology as described, this analysis begins with findings of the buildable land inventory, followed by determination of land capacity in terms of potential residential dwelling units (DU) and employment supported. As a final step, capacity figures are compared with SCOG allocations to determine adequacy of the current UGA to support projected housing and employment land needs.

Buildable Land Inventory

As depicted by the following chart, tax lots within the Sedro-Woolley UGA encompass just over 3,134 acres. An estimated 62% of the UGA is already developed with about 9% as unbuildable or constrained, leaving 29% of the UGA (912 acres) as potentially buildable – whether on fully vacant or partially vacant lots. The 912 acres can be considered as gross land capacity – before taking into account infrastructure and market factors to arrive at net developable capacity.

Sedro-Woolley UGA Land Inventory (Parcel-Based in Acres)

Zone	Developed Land	Vacant Land by Type			Part Vacant Buildable	Total All Parcels
		Unbuildable	Constrained	Buildable		
Residential 5 (R5)	612.9	32.5	67.7	176.8	204.8	1,094.6
Residential 7 (R7)	458.5	16.7	8.7	55.4	47.7	587.0
Residential 15 (R15)	57.6	0.8	0.3	13.7	9.5	81.8
Mixed Commercial (MC)	146.0	3.8	9.6	63.6	16.5	239.5
Central Business District (CBD)	62.2	4.7	0.0	8.0	1.2	76.1
Industrial (I)	128.5	0.1	13.2	47.5	9.7	199.0
Public (P)	462.9	21.7	95.9	251.2	0.0	831.6
Open Space (OS)	14.3	3.7	0.0	6.8	0.0	24.8
Total	1,942.8	83.9	195.4	623.0	289.3	3,134.4
% of Acres	62%	3%	6%	20%	9%	100%

Sources: City of Sedro-Woolley and E. D. Hovee & Company, LLC.

When considered by zoning designation, R5 residential accounts for the single largest amount of land area – totaling 1,095 acres or 35% of total land area in Sedro-Woolley. Taken together, residentially zoned areas represent a bit more than 56% of land in the UGA, with public/open space land at 27% and employment lands (both commercial and industrial) at a combined 16%.

In terms of potentially buildable land, residentially designated sites account for 508 acres of the gross buildable acreage potential, followed by public/open space lands at 258 acres, and employment lands at just over 146 acres.

Land Capacity

Potentially buildable lands are translated to residential and employment capacity through a two-step process:

- By deducting from buildable capacity land required for infrastructure and a market factor (to convert from gross to net buildable acreage); and
- Then converting acreage capacity to number of residential units and jobs supported using dwelling unit (DU) and jobs per acre density factors.

The results of this allocation and conversion process are illustrated by the following chart.

Sedro-Woolley UGA Land & Employment Capacity (to 2036)

Zone	Gross Buildable Acres			% Infra-structure	Market Factors		Acres Net Buildable	Jobs/Acre	DU/Acre	Added Capacity	
	Vacant	Pt Vacant	Total		Vacant	Pt Vacant				Jobs	DU
R5	176.8	204.8	381.6	25%	15%	20%	235.6	-	5.0	-	1,177
R7	55.4	47.7	103.1	25%	15%	20%	63.9	-	7.0	-	447
R15	13.7	9.5	23.2	25%	15%	20%	14.4	-	15.0	-	216
MC	63.6	16.5	80.1	25%	25%	25%	45.1	20.0	-	901	-
CBD	8.0	1.2	9.2	25%	25%	25%	5.2	20.0	-	103	-
I	47.5	9.7	57.2	25%	25%	25%	32.2	6.5	-	209	-
P	251.2	-	251.2	-	-	-	-	-	-	-	-
OS	6.8	-	6.8	-	-	-	-	-	-	-	-
Total	623.0	289.3	912.3	25%	15%	25%	396.3			1,213	1,840
Dwelling Unit (DU) to Population Conversion:											
Residential Occupancy Factor (% of all Units)										92.9%	
Occupied Unit Capacity										1,709	
Average Household Size (persons per occupied household)										2.59	
Anticipated Population Capacity (added population to 2036)										4,427	

Note: No jobs are allocated to P or OS lands with this buildable land analysis.

Employment potentials with the Northern State site are being addressed separately by the City of Sedro-Woolley.

Source: City of Sedro-Woolley, Washington State Office of Financial Management, and E. D. Hovee & Company, LLC.

As shown, net buildable acreage on residential and employment designated lands is estimated at approximately 396 acres. A net buildable figure is not estimated for Public/Open Space lands, though this is anticipated to occur with the Northern State subarea planning process now underway, separate from this land capacity analysis.

Using residential density factors consistent with current zoning, there is resulting capacity for an estimated 1,840 housing units. As is detailed at the bottom of the chart, this translates to capacity for an added 4,427 residents that could be accommodated in the UGA to 2036.

For employment, density factors are applied as consistent with prior countywide economic development planning and the more recent Mount Vernon land capacity analysis. Total

employment capacity within industrial and commercial zones of the UGA is estimated at 1,213 jobs.

Comparing Capacity with Allocations

The final step of the analysis is to compare employment and population capacity with the SCOG allocated targets to Sedro-Woolley. As depicted by the following chart, this comparison indicates an allocation of residential land that may be slightly under the SCOG allocation. For jobs, the “gap” between the forecast target and current land capacity is more substantial.

Comparison of Capacity to SCOG Population / Job Allocations (to 2036)

Zoning Types	Buildable Acres		Average Density		Added Capacity		
	Gross	Net*	Jobs/Ac	DU/Ac	Jobs	Housing	Population
Residential	507.8	313.9	-	5.9	-	1,840	4,427
Commercial	89.3	50.2	20.0	-	1,004	-	-
Industrial	57.2	32.2	6.5	-	209	-	-
Public	-	-	-	-	-	-	-
Total	654.3	396.3			1,213	1,840	4,427
Sedro-Woolley Allocated Targets (per SCOG)					1,572	-	4,555
Capacity as % of SCOG Allocation					77%	-	97%

Note: Employment potentials for public lands are addressed separately with the Northern State subarea plan.

Sources: City of Sedro-Woolley, Skagit County Council of Governments, and E. D. Hovee & Company, LLC.

As shown by the chart:

- Employment capacity is estimated at 77% of the SCOG target (or 23% below the 1,572 jobs determined by SCOG as Sedro-Woolley’s employment allocation). Due to the significance of the gap between planned employment growth and current zoned capacity, reaching the SCOG employment target likely will require designation of additional lands for industrial and/or commercial development.
- Population capacity is estimated at just over 97% of the SCOG allocation of an added 4,555 residents by 2036. Given the margin of variability with pivotal assumptions in the analysis, it would appear that Sedro-Woolley should also be able to reasonably meet its population allocation, including possible minor adjustments to land designations or portions of the buildable land capacity analysis framework.

FINDINGS & POLICY OPTIONS

Based on the analysis conducted with this buildable land and land capacity analysis, the following summary findings and policy options are outlined for consideration by the City of Sedro-Woolley.

Findings

Overall, this 2015 buildable land and land capacity analysis indicates that the current inventory of buildable land is expected to be inadequate to fully address Sedro-Woolley's population and employment growth targets to 2036 without the need for urban growth area (UGA) expansion:

- Residential lands are within about 3% of achieving the SCOG target of accommodating an added 4,555 residents by 2036. Getting to 100% should be achievable with fairly modest measures, as outlined below with policy options recommended for consideration.
- Employment lands fall 23% short of meeting the SCOG target of 1,572 added jobs allocated to Sedro-Woolley through 2036. Industrial and commercial lands can accommodate an estimated 1,213 jobs, which is 359 jobs below the SCOG allocation.
- There may also be concerns with the mix of jobs for Sedro-Woolley. An estimated 209 net added jobs can be accommodated with net buildable industrial acreage. This is 43% short of the SCOG indicated projection of 368 added industrial jobs for Sedro-Woolley – as part of the forecast 1,572 job growth total.

Policy Options

To conclude, the following policy options are outlined for consideration as possible measures to address potential issues as noted with the findings of this analysis:

For Residential Lands. Policy options to consider for addressing the approximately 3% shortfall in housing might include any or some combination of the following:

- Consider adjusting one or more of the assumptions used with the methodology in this analysis – related to such factors as definitions for developable status, critical areas/constraints, infrastructure or market factor, or assumed average household size.
- Up-zone some residential property to a higher density – for example to R15 multi-family, currently comprising only 5% of the residential net buildable land supply.
- Convert a small amount of acreage currently zoned for public/open space or employment use to residential – but only to the extent that employment land needs are also fully addressed.
- Provide for a relatively minor UGA expansion – possibly in the range of 10+/- buildable acres depending on the mix of residential zoning and associated building densities that might be considered.
- Provide for a more significant UGA expansion – if some lands currently designated for residential use are rezoned for commercial and/or industrial use as described below. The amount of land that might be required is not directly determinable at this point, but would depend, in part, on the mix of commercial versus industrial employment to be accommodated.

For Employment Lands. Policy options to address the estimated 23% shortfall of industrial and commercial employment potential may include any or some combination of the following:

- Modify some portion of the methodology and/or assumptions regarding employment lands evaluation – similar to what is outlined above for residential lands.
- Expand the supply of land effectively available for industrial use through such means as providing for more liberalized industrial use in one or both commercial zones.
- Increase the supply of industrial and/or commercial land by re-designating some existing residentially-zoned land for employment use. This option may of particular importance to the extent that some existing buildable residential sites are determined to be more suitable for industrial or commercial uses as compared with sites requiring UGA expansion. Re-zoning for employment use would require an offsetting addition of residential land through UGA expansion as described above.
- Expand the UGA to address the deficiency of land for industrial and commercial needs. The amount of added UGA needed will vary, in part, depending on the mix of industrial versus commercial land allocated. For example, assuming that all of the employment deficiency were to be addressed by UGA expansion, the amount of buildable land required could range from about 18 buildable acres (assuming 100% commercial designation) to 55 buildable acres (with 100% industrial designation) – or in-between with a mix of commercial and industrial designations.

Due to the size of the “gap” between the number of jobs that can be accommodated as compared with the 2036 requirement, it is unlikely that this need can be met unless residential lands are converted to employment use and/or the UGA is expanded to provide added employment land.

APPENDIX A. DOCUMENTS REVIEWED

The following documents were review in conducting this buildable land and land capacity analysis:

- *2010 Buildable Lands & Land Capacity Analysis Report* by the City of Mount Vernon Community and Economic Development Department.
- *Sedro-Woolley Municipal Code*, Title 17 Zoning, as of March 25, 2015.
- *Skagit County Code*, Chapter 14.08 – Legislative Actions.
- *Skagit County Growth Projections: Summary of Methods and Results*, prepared by BERK Consulting, July 2014.
- *Skagit County Industrial Land Study – Final Report*, prepared by ECONorthwest for the Port of Skagit, December 2014.
- *Shoreline Management Program Update – Preliminary Assessment of Shoreline Jurisdiction*, City of Sedro-Woolley, Draft June 2011.
- *Vacant Buildable Lands Model* by Clark County Community Planning.

APPENDIX B. RESIDENTIAL & COMMERCIAL/INDUSTRIAL INVENTORY MAPS

On the next four pages are maps of vacant and partially vacant land as follows:

- Commercial and industrial tax lots with buildable land
- Commercial and industrial buildable land with constraints
- Residential tax lots with buildable land
- Residential buildable land with constraints

The maps depict the entire tax lot with vacant and partially vacant land, not just the portion of the tax lot that is buildable after removing constrained and developed land.



Commercial & Industrial Tax Lots with Buildable Land

Legend

Vacant:

- Commercial
- Industrial

Partially Vacant:

- Commercial
- Industrial

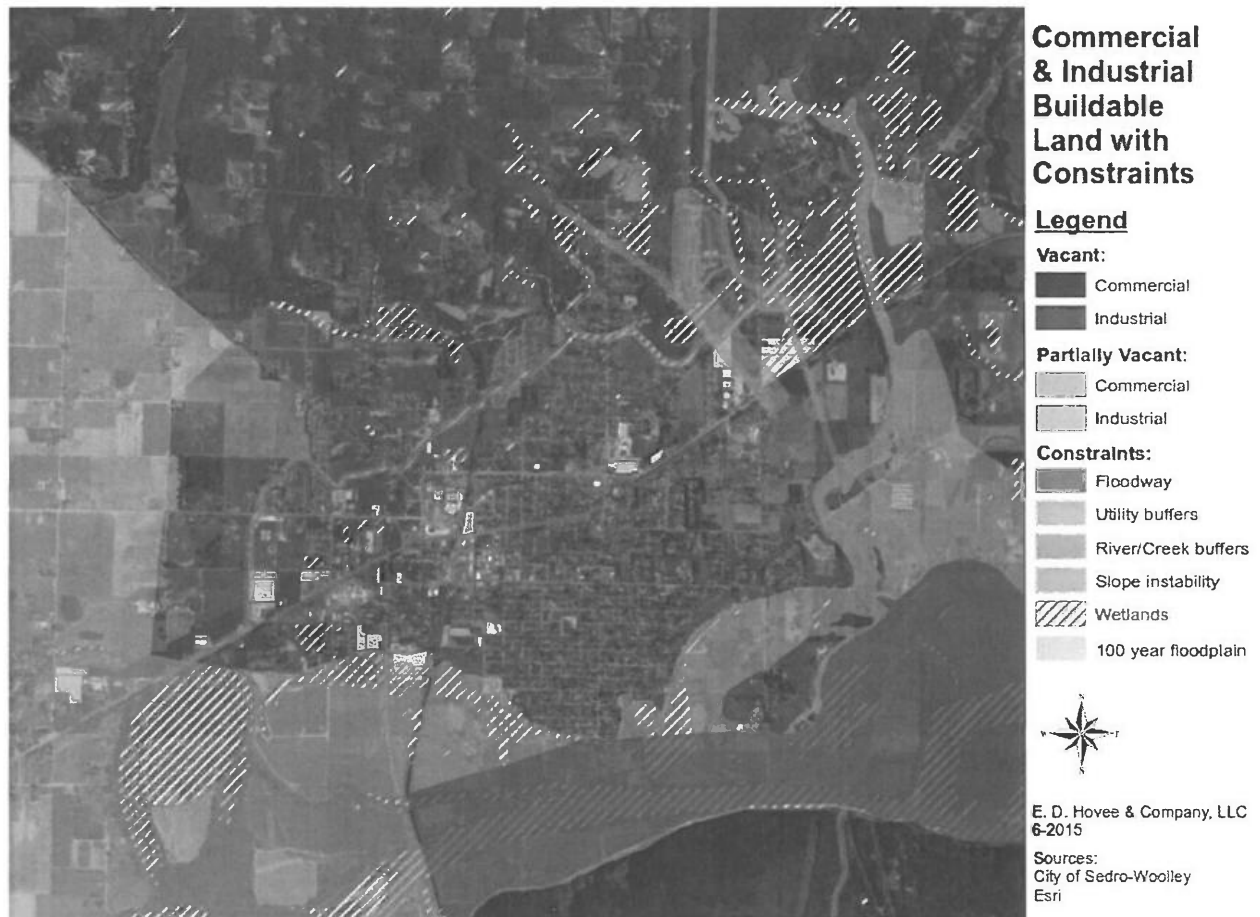
UGA Boundaries:

- Incorporated
- Unincorporated



E. D. Hovee & Company, LLC
6-2015

Sources:
City of Sedro-Woolley
Esri





Residential Tax Lots with Buildable Land

Legend

- Vacant
- Partially Vacant

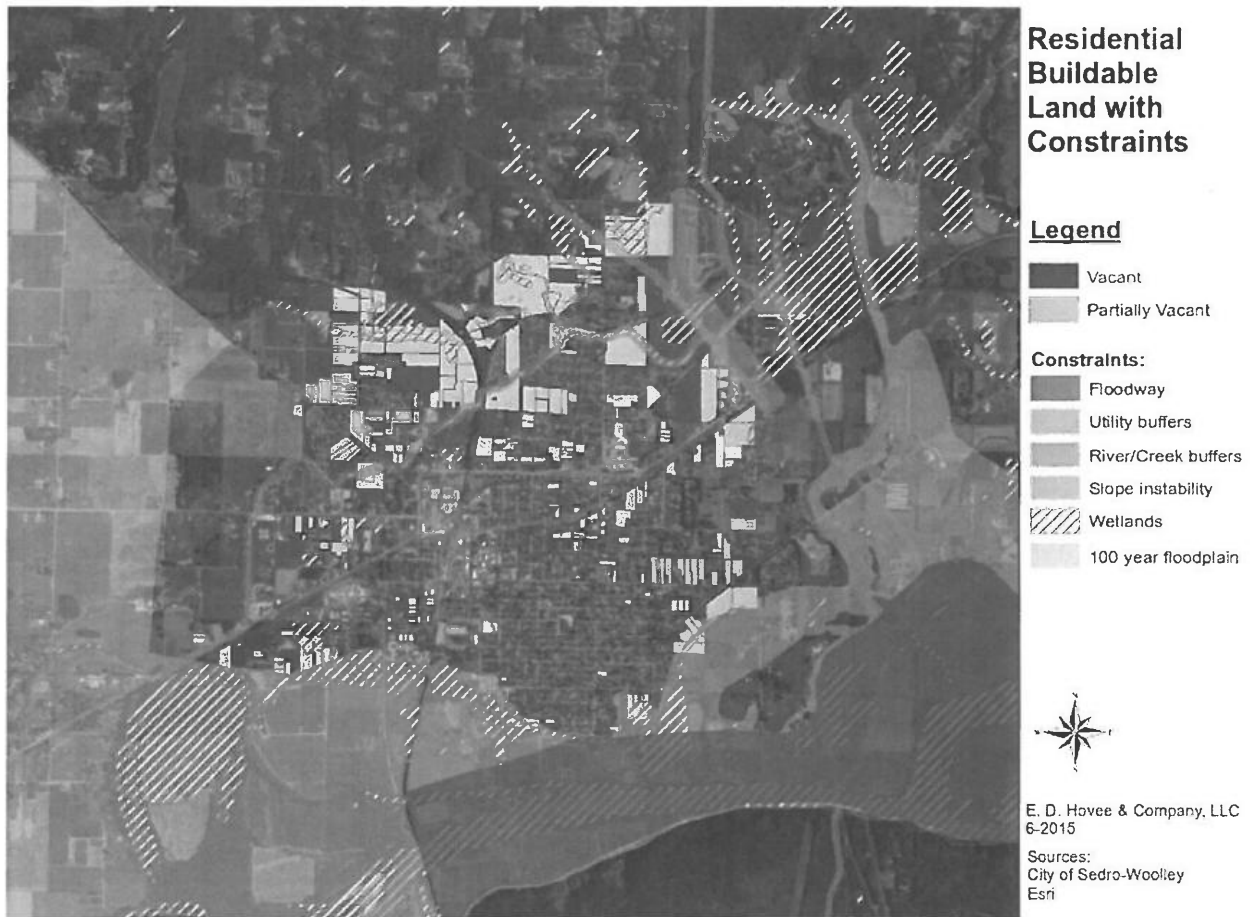
UGA Boundaries:

- Incorporated
- Unincorporated



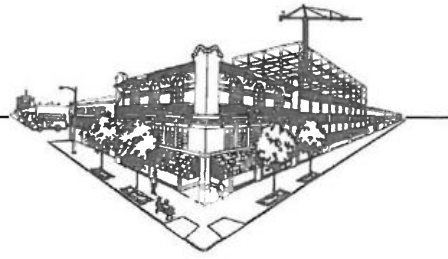
E. D. Hovee & Company, LLC
6-2015

Sources:
City of Sedro-Woolley
Esri



E. D. Hovee & Company, LLC

Economic and Development Services



MEMORANDUM

To: John Coleman, AICP, Planning Director, Sedro-Woolley Planning Department
From: Andrea Logue & Eric Hovee
Subject: Buildable Land Inventory of Southeastern Area to be Removed from the Sedro-Woolley UGA
Date: August 25, 2015

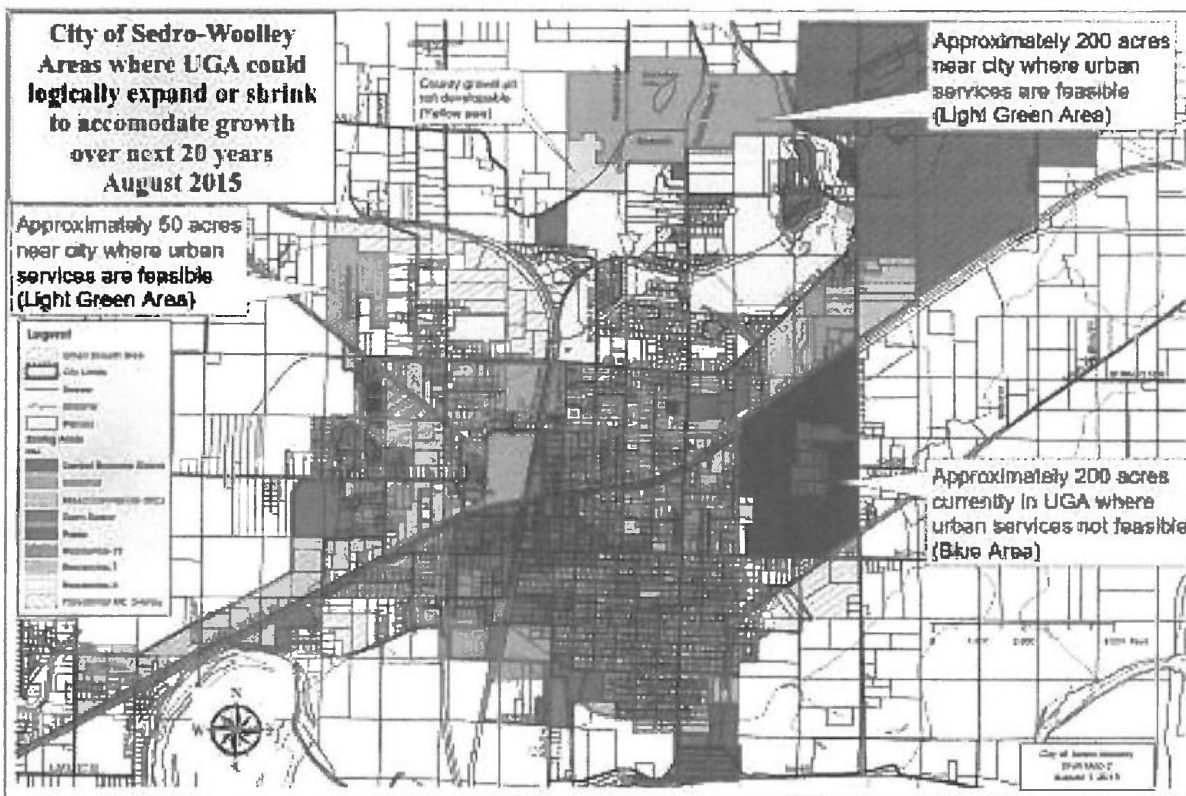
As an added task subsequent to the 2015 Sedro-Woolley Buildable Land and Land Capacity Analysis Report, the City of Sedro-Woolley has requested E. D. Hovee & Company, LLC (EDH) to calculate the buildable land in an area on the southeastern quadrant of the Sedro-Woolley UGA that is being considered for removal from the existing UGA. This memorandum summarizes the background of a proposed land exchange and the buildable land inventory of a portion of the existing UGA.

BACKGROUND

The City of Sedro-Woolley is working in consultation with Skagit County to considering removing acreage from the southeastern quadrant of the UGA. It has been determined this land is not buildable due to circumstances of existing low density development and high cost of infrastructure limiting the extension of sewer services to the area. In exchange, there are two separate target areas with to the north and northeast of the UGA that are under consideration for potential inclusion in the UGA.

The map on the following page depicts the land areas proposed for possible exchange. The focus of the buildable land calculations in this memorandum is on the 'Blue Area' in the southeast quadrant proposed for removal from Sedro-Woolley's UGA.

Sedro-Woolley UGA Land Exchange



Source: City of Sedro-Woolley.

BUILDABLE LAND INVENTORY

The buildable land inventory of the land currently in the southeastern quadrant of the UGA is consistent with the methodology as described in the 2015 Sedro-Woolley Buildable Land and Land Capacity Analysis Report.

As depicted by the following chart, tax lots within the southeastern quadrant of the Sedro-Woolley UGA encompass just over 170.3 acres. An estimated 79% of this portion of the UGA is already developed with less than 1% as unbuildable or constrained, leaving 21% of the UGA (35 acres) as potentially buildable – whether on fully vacant or partially vacant lots. The 35 acres can be considered as gross land capacity – before taking into account infrastructure and market factors to arrive at net developable capacity.

Southeastern Quadrant of Sedro-Woolley UGA Land Inventory (Parcel-Based in Acres)

Zone	Developed Land	Vacant Land by Type			Part Vacant Buildable	Total All Parcels	% of Total	Total Buildable
		Unbuildable	Constrained	Buildable				
Residential 5 (R5)	129.1	0.3	0.0	9.8	24.7	163.9	96%	34.5
Residential 7 (R7)	0.6	0.0	0.0	0.4	0.0	1.0	1%	0.4
Residential 15 (R15)	0.0	0.0	0.0	0.0	0.0	0.0	0%	0.0
Mixed Commercial (MC)	0.0	0.0	0.0	0.0	0.0	0.0	0%	0.0
Central Business District (CBD)	0.0	0.0	0.0	0.0	0.0	0.0	0%	0.0
Industrial (I)	0.0	0.0	0.0	0.0	0.0	0.0	0%	0.0
Public (P)	5.4	0.0	0.0	0.0	0.0	5.4	3%	0.0
Open Space (OS)	0.0	0.0	0.0	0.0	0.0	0.0	0%	0.0
Total	135.0	0.3	0.0	10.3	24.7	170.3	100%	35.0
% of Acres	79%	0%	0%	6%	15%	100%		21%

Sources: City of Sedro-Woolley and E. D. Hovee & Company, LLC.

When considered by zoning designation, R5 residential accounts for the single largest amount of land area – totaling 164 acres or 96% of total land area in the southeastern quadrant of the Sedro-Woolley UGA. Taken together, residentially zoned areas represent 97% of land in this portion of the UGA, with public/open space land at 3%.

In terms of potentially buildable land, residentially designated sites account for all 35 acres of the gross buildable acreage potential.

E. D. Hovee & Company, LLC appreciates the opportunity to provide this additional assessment of buildable land inventory. We would be happy to address questions or provide further information regarding any aspect of this memorandum.

Chapter 8

ECONOMIC DEVELOPMENT ELEMENT

- 8.04 Purpose and Relationship to GMA**
- 8.08 Commercial and Industrial Land Designations**
- 8.12 Profile of Planning Area**
- 8.16 Economic Development Strategy**
- 8.20 Economic Development Goals, Policies and Actions**

PURPOSE AND RELATIONSHIP TO GMA

The purpose of the economic development element is to provide guidelines for maintaining and enhancing economic vitality in appropriate locations in Sedro-Woolley's urban growth area so as to guarantee and ensure adequate selection and availability of employment opportunities and ensure adequate selection and availability of goods and services for all of Sedro-Woolley's residents. The economic development element outlines the City's economic development goals and policies and serves as a road map to achieve those economic goals and policies. The element also helps prospective business owners and investors understand the City's economic development needs and investment opportunities within the City as well as acknowledging the importance of supporting local businesses and the development of new industry in the City of Sedro-Woolley.

The Growth Management Act requires the inclusion of an economic development element. Section 36.70A.070(7) of the Revised Code of Washington (RCW), requires:

"An economic development element establishing local goals, policies, objectives, and provisions for economic growth and vitality and a high quality of life. The element shall include: (a) A summary of the local economy such as population, employment, payroll, sectors, businesses, sales, and other information as appropriate; (b) a summary of the strengths and weaknesses of the local economy defined as the commercial and industrial sectors and supporting factors such as land use, transportation, utilities, education, workforce, housing, and natural/cultural resources; and (c) an identification of policies, programs, and projects to foster economic growth and development and to address future needs. A city that has chosen to be a residential community is exempt from the economic development element requirement of this subsection."

The Act also requires countywide planning policies to address economic development and employment. Skagit County's policies as they address economic development are set forth in Section 5 of the Skagit County Countywide Planning Policies, adopted in October, 2007. The next required update to the Countywide Planning Policies is in 2012⁶. The following Countywide Planning Policies are particularly salient to the City's economic development plan:

Policy 5.5. A diversified economic base shall be encouraged to minimize the vulnerability of the local economy to economic fluctuations.

Policy 5.6. Commercial, industrial and residential acreage shall be designated to meet future needs without adversely affecting natural resource lands, critical areas, and rural character and lifestyles.

Policy 5.15. The comprehensive plan shall support and encourage economic development and employment to provide opportunities for prosperity.

The city is also a retail service center that, due to the increase of the service area population, has grown at a steady rate. It is anticipated that the population in the city's service area

will increase more than the urban growth area population, resulting in an increase in the demand for space for commercial and service activities in the city's urban growth area.

If Sedro-Woolley is reasonably expected to increase the level of employment experienced by its citizens, and also to provide employment opportunities to people who live close by, it will be necessary to provide ample lands for commercial and industrial expansion. It is also necessary that the city be aggressive in its effort to attract new businesses and industrial activities that provide living wage jobs for Sedro-Woolley residents.

The city's vision statement includes language stating that the city will be a full service community where there are ample opportunities to work, live, shop and play within the same geographic area. Adequate commercial and industrial area with site plan control must be provided for a diversified commercial and industrial base.

This economic development element will discuss the city's commercial and industrial designations. It will then present an inventory and analysis of the city's commercial/industrial lands. This inventory and analysis will then be followed by the city's economic development strategy. Finally, the city's economic development goals and policies will be set forth.

COMMERCIAL AND INDUSTRIAL LAND DESIGNATIONS

COMMERCIAL

There are two commercially-oriented zoning designations in the city: the central business district (CBD) and the Mixed Commercial zone (MC). The designations, intended to implement the goals and policies of the economic development element, allow a diversity of commercial options and provide for appropriate separations between potentially conflicting uses. Intensities for commercial uses refers to a combination of factors, such as visual appearance and building size, traffic generation, noise, dust, light, and economic value.

Commercial areas, including professional services (office-oriented) and tourist-related facilities, should be compact with easy access and adequate off-street parking, and loading facilities. Retail commercial areas, should be whenever possible, convenient to major routes of transportation, tourism commercial and professional office service areas should also be convenient to and along major routes of transportation. Each commercial area should be designed to adequately serve the public while discouraging the movement of disruptive traffic through residential areas.

Central Business District Designation - (CBD)

The central business district designation is for medium intensity commercial areas and is designed to allow those normal commercial uses that are consistent with a pedestrian-oriented business area. The designation is intended for the established commercial areas of the city which lie generally between State and Warner Street to the South and the Burlington Northern Railroad to the north. A small section of CBD designated area lies between the Burlington Northern Railroad and State Route 20 between the Burlington Northern Railroad to the west and Murdock Street to the east. In general, the east/west perimeters of the central business district are State Routes 9 and 20 to the west and Haines Avenue and Fifth Street to the east.

Much of the traditional CBD encompasses the historic downtown located between the Burlington Northern Railroad to the north and State Street to the south, and between the Burlington Northern Railroad on the west and Puget Street on the east. Many historic buildings are located in this area including the Bingham-Holland Building built in 1905, the Schneider Building built in 1914, and the Livermoore Building built in 1915. Outside of this traditional area single-family residential and multi-family uses are located in the central business district. Some of these areas are in a transitional stage with commercial structures gradually making an in-road into the residential areas.

The City's historic downtown area is centered in the heart of the CBD, along Metcalf Street, beginning about one half mile south of State Route 20. The historic downtown is an active commercial district serving many of the commercial and retail needs of the City's residents, but also maintains an early 1900's architecture that makes the downtown area a significant destination for visitors and tourists. Because the CBD is not directly adjacent to the major State Routes through the City, it is possible that visitors can pass through town without being aware of the City's central business district, including the impressive historic downtown area. Improved access

and directional signage to the CBD and historic downtown can help stimulate new development in the area.

Parking requirements should be created to acknowledge that, with space provided for off-street parking limited, areas within this designation may require shared parking and that more and better parking facilities are needed. Commercial development in the central business district zone must conform to design standards that have been developed for this zone. The development process includes review by a design review committee responsible for the application of the downtown design standards.

Mixed Commercial Zone – (MC)

The intent of the MC 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.

An Urban Village Mixed Use (UVMU) overlay has been designated for a portion of the MC zone north of State Route 20, west of Trail Road, and east of Brickyard Creek. The UVMU overlay allows for and encourages higher density residential and commercial development in the MC zone when the development includes additional open space and pedestrian amenities. The overlay is intended to encourage a higher concentration of development while improving the overall quality of the development. The intent is to create a pedestrian oriented commercial and residential environment similar to that of a traditional downtown commercial district, as opposed to auto-oriented commercial development that is more typically associated with commercial development of the past 50 years.

Specific guidelines for UVMU overlay development are in the process of being written and are yet to be adopted. The overlay exists only on the Comprehensive Land Use map and Land-Use Element of the Comprehensive Plan; it has not been included on the Zoning map or in the Development regulations in the Sedro-Woolley Municipal Code.

INDUSTRIAL

Industrial uses should have ready access to primary transportation corridors and utilities with sites large enough to accommodate off-street parking, loading and reasonable expansion. Industrial areas should be compatible with surrounding land uses and be buffered from conflicting uses. The industrial areas in Sedro-Woolley are vibrant and provide a wide-array of skilled, living-wage jobs. The goods developed by the City's industrial businesses are a source of pride to area residents. The City has one zoning designation for all types of industrial activities.

Industrial activities are also subject to landscaping and buffering requirements as set forth in the city zoning code when adjacent to residential and commercial zones. The intent of the industrial zone is to provide appropriately located areas for manufacturing, warehousing, distribution, and office uses to enhance the city's economic base in a manner that minimizes impacts to surrounding non-industrial zones. The standards recognize the market preferences and construction techniques characteristic of this type of use. Commercial, retail, and residential uses are permitted at a limited scale so as to preserve the majority of land in this category for industrial and business uses.

Though some uses may be outright allowed in the industrial zone, the city's Essential Public Facilities (EPF) ordinance (Chapter 17.88 SWMC) sets additional review measures for uses that potential may have a negative impact on surrounding neighborhoods and uses. The EPF

ordinance requires that new EPFs obtain a conditional use permit, which requires broader public notice and public hearings. An EPF is defined as a facility owned or operated by a governing body, public utility, private utility, transportation company, or any other entity that provides a public service as its primary mission, and is difficult to site.

PROFILE OF PLANNING AREA

Skagit County Profile

In terms of population and economic vitality, Skagit County is one of the fastest growing counties in the State. The county benefits from its location between Seattle and Vancouver, B.C., along the I-5 corridor. Firms that might have automatically located a King County or Snohomish County location are discovering less expensive, less congested neighboring counties like Skagit. The county is well positioned to take advantage of this situation to enhance its economic development.

The focus of Skagit County economic development efforts have not been merely job growth and diversification, but also the establishment of Skagit County as an economic entity unto itself. In addition, Skagit County has aimed to do so while not sacrificing its natural resource environment. In the past, the county has been heavily impacted if major manufacturers relocated. Strategies and policies have been formed to mitigate the impact of these types of fluctuations through a wider scale diversification of business activities.

Despite all the attention paid to Skagit County's urban and suburban economic development, it is important to remember that the county still has a significant natural resource base. In fact, it is diversified in two areas: logging and lumber, and agriculture and dairying.

Sedro-Woolley Profile

In terms of population, Sedro-Woolley is one of the fastest growing cities in Skagit County. Between 1990 and 2000, the population of Sedro-Woolley increased from 6,031 to 8,658, an increase of 43.6% (US Census Data). The State Office of Financial Management estimates the April 1, 2008 population at 10,030, an increase of 66.3% from 1990, and 15.8% from 2000. According to the 2006 employment statistics from the U.S. Census Bureau (the most recent statistics available), there were 3,138 total jobs within the City of Sedro-Woolley limits. This is up 12% from 2,754 total jobs in 2002 (oldest comparable data set). Table ED1 below shows the U.S. Census data (obtained from "On The Map" tool at www.census.gov) for jobs in Sedro-Woolley in 2002 and 2006.

In 2014 the Skagit Council of Governments (SCOG) and Skagit County commissioned BERK Consulting to work in conjunction with the SCOG planners group to develop an allocation for population and jobs among the counties jurisdictions. The table that follows shows the jobs allocation for Sedro-Woolley over the planning horizon:

2012	Net Growth 2012-2015	Resource	Retail	Ind	Service s	Govt/ Edu	Tech	Net Growth 2015-2036	Total 2036	% Growth 2015-2036
4,594	158	0	46	368	592	566	2,855	4,427	9,179	93.1%

The 2,855 jobs allocated to the Technology Sector are the anticipated job growth associated with the Center for Innovation and Technology (proposed for the Northern State Hospital Campus). Job growth in Sedro-Woolley is anticipated to nearly double over the planning horizon primarily to the growth of the Technology Sector.

<u>Total All Jobs</u>				
	2006		2002	
	Count	Share	Count	Share
Total All Jobs	3,138	100.0%	2,754	100.0%
<u>Jobs by Worker Age</u>				
	2006		2002	
	Count	Share	Count	Share
Age 30 or younger	715	22.8%	675	24.5%
Age 31 to 54	1,848	58.9%	1,731	62.9%
Age 55 or older	575	18.3%	348	12.6%
<u>Jobs by Earnings Paid</u>				
	2006		2002	
	Count	Share	Count	Share
\$1,200 per month or less	950	30.3%	1,019	37.0%
\$1,201 to \$3,400 per month	1,224	39.0%	1,174	42.6%
More than \$3,400 per month	964	30.7%	561	20.4%
<u>Jobs by Industry Type</u>				
	2006		2002	
	Count	Share	Count	Share
Agriculture, Forestry, Fishing and Hunting	30	1.0%	26	0.9%
Mining, Quarrying, and Oil and Gas Extraction	0	0.0%	0	0.0%
Utilities	0	0.0%	0	0.0%
Construction	378	12.0%	225	8.2%
Manufacturing	245	7.8%	384	13.9%
Wholesale Trade	40	1.3%	120	4.4%
Retail Trade	297	9.5%	366	13.3%
Transportation and Warehousing	15	0.5%	21	0.8%
Information	8	0.3%	7	0.3%
Finance and Insurance	37	1.2%	30	1.1%
Real Estate and Rental and Leasing	29	0.9%	25	0.9%
Professional, Scientific, and Technical Services	66	2.1%	64	2.3%
Management of Companies and Enterprises	0	0.0%	0	0.0%
Administration & Support, Waste Mgmt and Remediation	14	0.4%	7	0.3%
Educational Services	671	21.4%	634	23.0%
Health Care and Social Assistance	725	23.1%	392	14.2%
Arts, Entertainment, and Recreation	16	0.5%	13	0.5%
Accommodation and Food Services	278	8.9%	283	10.3%
Other Services (excluding Public Administration)	78	2.5%	98	3.6%
Public Administration	211	6.7%	59	2.1%
<u>QWI Indicators – Private Sector Jobs</u>				
	2006		2002	
	Count	Share	Count	Share

Number of Employers	230	100.0%	246	100.0%
Employment (Beginning of 2nd quarter)	1,430	100.0%	1,472	100.0%
Employment, Stable Jobs	1,203	100.0%	1,241	100.0%
Separations, Stable Jobs	129	100.0%	129	100.0%
New Hires, Stable Jobs	124	100.0%	191	100.0%
Firm Job Gain	170	100.0%	91	100.0%
Firm Job Loss	59	100.0%	114	100.0%
Employment (reference quarter)	1,952	100.0%	1,830	100.0%
Average Monthly Earnings, Stable Jobs	2,059	100.0%	1,708	100.0%
Average Monthly Earnings Separations from Stable Jobs	776	100.0%	922	100.0%
Average Monthly Earnings, New Hires, Stable Jobs	1,623	100.0%	1,514	100.0%

Data Sources

US Census Bureau, LED Origin-Destination Data Base (2nd Quarter 2002, 2003, 2004, 2005, and 2006)

See www.census.gov for definitions of job types.

The city benefits from its close location to I-5 corridor and its location adjacent to two state highways and the Burlington Northern Railroad. Small firms that might have located in other parts of the county are discovering less expensive, less congested neighboring cities. The city is well positioned to take advantage of this situation to enhance its economic development.

In the past the city has been hampered by its dependence on logging and lumber operations and on the activities taking place at the Skagit Plant site. When economics forced a slow down in logging and related activities and in the closure of the manufacturing site, the city faced severe economic impacts. Likewise, the closure of the former Northern State Hospital heavily impacted the city with its loss of employment opportunities. The city is now attempting to develop a more diversified economic base along with an increase in the number of job opportunities. The Skagit Plant is now a vibrant industrial park, renting out portions of the facility to smaller, independent businesses. The City has just completed construction of a round-about on State Route 20 that provides much needed truck and vehicular traffic to the Skagit Plant and new access to the industrial lands to the north of the State Route 20. The new access to two of the largest parcels of industrial land to the busiest state route (S.R. 20) in Skagit County is expected to spur increased manufacturing, warehousing, distribution, and office uses in the center of Sedro-Woolley. The transfer of the former Northern State Hospital property into local control and the proposed Center for Innovation and Technology is expected to help diversify the City's economy and reinvigorate economic activity at the former Hospital Campus.

The focus of Sedro-Woolley economic development efforts have not been merely job growth and diversification, but also the establishment of the city as an economic entity unto itself. In addition, city has aimed to do so while not sacrificing its natural environment and community values.

Factors Influencing the Planning Area

As part of the Puget Sound Economic Region, Skagit County and Sedro-Woolley will be impacted over the next twenty (20) years by several important factors:

- Developing Pacific Rim nations use the Puget Sounds as a destination for goods and services. The pent-up demand for goods and services in the Pacific Rim will fuel active markets throughout the northwest over the next twenty (20) years.
- Skagit County and Sedro-Woolley are located in the “next tier” of industrial development in the Puget Sound. As King County and Snohomish County become saturated with business activity and as land prices increase in the areas closer to the urban centers of the Puget Sound, companies will seek homes for business outside of the first tier suburbs. Many of the industrial parks located in these areas are either full or filling up rapidly. It is expected that this activity will materially impact Skagit County, including Sedro-Woolley within the next five years.
- The tourist and recreation industry is markedly increasing as a result of continued growth in leisure-time activities. The aging of the “baby boomers” will result in an increase in this trend.
- Sedro-Woolley has unique resources: proximity to the I-5 corridor, location astride two state highways, the railroad, a historic downtown, and as a “gateway” to the North Cascades. These resources can be put to work to create a dynamic and healthy environment for economic growth.
- Center for Innovation and Technology. “The Center” is a planned research and Development facility on the grounds of the Northern State Hospital (AKA North Cascades Center).

Inventory and Analysis

The following discussion includes an inventory and analysis of the socio-economic characteristics of Sedro-Woolley.

Employment

Government/Education

~~The Historically~~ the single largest employment category in Sedro-Woolley ~~is~~ has been government jobs. The unusually large percentage of the work force in the public sector is due in large part to the public schools, the presence of the Department of Natural Resources office, the North Cascades National Park headquarters, the United States Forest Service office and local government offices within the city limits. In terms of its share of total employment, public sector employment is expected to decrease over the planning period as retail trade and service, and industrial activities increase their share of total employment faster than any other sector. Due in large part to the location of the United General Hospital (including the health service offices surrounding the hospital) and several assisted/senior living facilities (including Birchview Memory Care, Country Meadow Village and the Life Care Center) within Sedro-Woolley, health care and social assistance jobs make up the second largest category of employment in the City. The former Northern State Hospital property lies in the City’s urban growth area. The campus is still used by many social assistance organizations including Job Corps and Pioneer Human Services’ treatment center. Though these employers are not actually located within the City limits, they are none-the-less significant contributors to the health care and social assistance industry in Sedro-Woolley’s geographic and economic sphere of influence.

The majority of the employment is located in the commercial corridor along Highway 20 and the downtown area, industrial uses, including manufacturing and wholesale trade activities are

located in the two industrial parks and at smaller light industrial sites within the urban growth area. There are a large number of home occupations scattered throughout the community.

Technology and Innovation

Sedro-Woolley's Innovation and Technology sector is a fast growing section of the local employment sector. Companies serving the aerospace and green technologies are an important driver of future employment opportunities in Sedro-Woolley. The Center for Innovation and Technology is a 225 acre property owned by the state and managed by the Port of Skagit. The Center is designed to accommodate research, development and ancillary activities associated with the technology and innovation. This sector is projected to be by far the fastest growing sector of the City's economy over the planning period accounting for 64% of all of the projected job growth.

Retail Trade

The existing retail activity in the urban growth area is a product of numerous years of development in the downtown core and a commercial corridor located along portions of State Route 20 and State Route 9. The central business district is quite large comprising one hundred forty-five (145) acres. The Mixed Commercial zoning along the highway is limited to certain areas along the highways and is comprised of approximately one hundred and forty six (146) acres. While the CBD is intended to accommodate medium intensity commercial development and is designed to allow those normal commercial uses that are consistent with a pedestrian-oriented business area, the Mixed Commercial zone is intended to accommodate auto oriented retail development (i.e. gas stations, fast food restaurants) with the potential for residential uses above commercial uses. Commercial activities are intended to serve both local and regional residents and pass-through motorists traveling across the North Cascades Highway (State Route 20) and State Route 9 for recreational activities.

The largest portion of retail sales activities occurred in food stores, eating and drinking establishments, building materials and hardware, and automotive dealerships.

Shopping facilities in Sedro-Woolley provide a primary source for many retail items north, south, and east of the city. The city's retail trade area encompasses the city, State Route 20 east past Newhalem to the county line, north to Alger, and south to Big Lake.

There is one community shopping center located near the intersection of State Route 20 and Cook Road, anchored by a grocery store and an automotive parts store. The existing central business district (CBD) encompasses a large number of retail activities including automobile sales and service, drinking and eating establishments, a pharmacy, hardware stores, clothing stores, specialty shops, several antiques stores, and a number of smaller establishments. There is commercially zoned land located within the central business district that is either vacant or under-utilized.

In addition to the community shopping center and central business district, there are a number of facilities serving automobile traffic adjacent to State Routes 20 and 9. Examples of businesses located along the highways include automobile service and sales, two major drug stores, a hardware store, gasoline/convenience stores, eating and drinking establishments, and a number of smaller establishments. There are several vacant or underutilized commercial properties along State Route 20. Except where State Routes 9 and 20 share the same path, there is little commercial property along State Route 9.

Service Industries

Sedro-Woolley's professional service sector continues to assume a greater role in the local economy. This sector is comprised primarily of professional office, financial, insurance, medical/dental, legal, and real estate services provided to the growing construction and retail trade sectors and to the growing population within Sedro-Woolley and the surrounding area. Service sector employment generally depends upon a strong retail and manufacturing base to supply ancillary support services and a strong population base.

There are many service industries located in the CBD, including several banks, professional offices (including at least three professional engineering companies), salons/barbers, insurance and realty businesses, dental and doctor offices, heating and plumbing companies, law offices and other services. The Mixed Commercial properties focused along State Route 20 are primarily retail, serving automotive traffic.

Wholesale TradeIndustrial

~~Wholesale trade~~Industrial business continues to grow slightly in the urban growth area. ~~Wholesale trade~~Industrial business generally is through activities located in the industrial parks and from a large food production company based in the central business district.

There has been a movement of King and Snohomish County business outward to less developed areas including Skagit County. This shift in development is projected to continue early into the new millennium, making Skagit County and Sedro-Woolley increasingly attractive for firms requiring a combination of office warehousing, research and development, or light industrial manufacturing space.

The bulk of the industrial activities in Sedro-Woolley take place in either the old Skagit Plant site, the Industrial properties on the east side of town or Sunset Industrial Park. The old Skagit Plant site formerly housed the Skagit Steel and Iron Works (later Skagit Steel Company) that manufactured a gas-powered hoist used in the logging and farming industries. With this innovation and other products for mining, logging, and other industries, the Steel Company, later Bendix Corporation continued to manufacture projects until the site closed in 1985. Since its purchase by Sealand Development, Corp, the site has been cleaned up and has gradually developed into heavy industrial uses, including manufacture of components for the aerospace industry, a modular office manufacturer, a boat manufacturer, a traffic equipment manufacturer, and a number of smaller light and heavy industrial manufacturers.

A large section of industrial property lies north of State Route 20, just west of Fruitdale Road. This area hosts a perfume manufacturer, an aerospace industry contractor and other industrial uses. Another smaller industrial park site, Sunset Industrial Park, is located in the southern portion of the city adjacent to State Route 20. Activities in this park include a number of small heavy and light industrial activities and commercial activities (related to the industrial development).

A number of areas are zoned for industrial uses which are not yet industrially developed but have the potential of being developed. One forty acre parcel is north of Moore Street (State Route 20) and is zoned Industrial. Other Industrial zoned areas include the two large sawmill sites in the city. Another undeveloped industrial site is located between State Route 9 and Maple Street. Other light industrial areas are located adjacent to State Route 20 on the south side of the city.

Sedro-Woolley supports a range of industries in aerospace, construction, and natural resources. Some of the largest representative industries include the following:

**Sedro-Woolley
Major Industrial Employers**

Company Name	Type of Industry
Thermacor Process, LP	Insulated Pipe Manufacturing
Rothenbuler Engineering	Electrical Engineering and Manufacturing
Janicki Logging and Construction	Logging & Construction
Janicki Industries	Aerospace, Marine and Transportation Component Engineering and Manufacturing
Janicki Bioenergy	Alternative energy development processes
Seven Sisters	Electrical Contractor
Truss Engineering	Roof Truss Manufacturing
Fathom Yachts	Yacht Manufacturing
Truck Vault	In-Vehicle Storage Manufacturing
Snelson Industries	Contractor

ECONOMIC DEVELOPMENT STRATEGY

It has often been asked “Why should the public sector contribute to economic development efforts?” The most obvious reason is to promote job opportunities for its citizens. Less apparent is the role in providing necessary services to promote a higher quality of life. It has been well documented that commercial and industrial land uses more than pay for themselves (i.e. generate more taxes than the value of the services consumed). Therefore, expanded economic growth benefits every Sedro-Woolley resident by reducing the amount of ad valorem taxes that would otherwise be borne by the residential taxpayer.

As a result of Washington’s Growth Management Act and the city’s growth rate over the last decade, the city has a need for greater infrastructure improvements including roads, water, and sewer services and a host of community-related facilities. Solutions to these problems are complex. However, a part of the solution is the need to expand the city’s tax base by attracting development that will more than pay for its growth.

The overall purpose of the economic development strategy is to improve the quality of life within the city. Public investment made to stimulate economic development helps to provide for permanent employment, increase personal income, and improve the general business climate. A more direct result of local public investment is an enhancement of the tax base, which improves the financial capacity of the city. The major thrust of the city’s economic development strategy is to convince businesses to start, expand, or locate within the city. Unfortunately, because we live in an imperfect world, not every business has complete and accurate data on the attributes of every community where it might locate. Many businesses have needs that could be met by many of the communities in Skagit County. Unless these businesses are made aware of Sedro-Woolley opportunities, they may go elsewhere. Economic development (i.e. seeking new or expanded employment opportunities) has grown increasingly competitive. Sedro-Woolley, too, must maintain an aggressive economic development strategy in order to provide opportunities for new business.

Economic priorities for Sedro-Woolley should include the following:

1. Enhance the city’s tax base and encourage higher-income job opportunities by aggressively promoting industrial/commercial development in the city’s business/industrial parks and industrially zoned lands. To achieve this goal, Sedro-Woolley needs to identify suitable lands, establish zoning districts compatible with the neighboring zones – especially residential zones – that encourage industrial use, maintain an adequate supply of suitable commercial/industrial land, and provided infrastructure to support it.
2. Work with the property owners in the downtown area to continue to establish the identity of downtown Sedro-Woolley by providing a framework for which the retail and commercial economy can evolve into a civic and retail specialty area that incorporates the unique Metcalf Street character of Sedro-Woolley with vital and diverse specialty retail and service businesses. To accomplish this, the city will develop a Downtown Design Plan to create a pedestrian-friendly downtown environment, including street and sidewalk improvements, a Town Center Park, the addition of Sedro-Woolley identified features (i.e. murals, carvings),

beautification, and a funding source for continuing improvements, maintenance, and marketing for downtown businesses and events.

Encourage retail uses in the storefronts along Metcalf Street which allows window-shopping and engages passers-by. Retail uses in the storefronts gives pedestrian more to look at than service uses and offices, therefore allowing pedestrians to participate in the streetscape and adding to the pedestrian-friendliness of the downtown shopping core. Seek opportunities to improve pedestrian friendly infrastructure such as sidewalks and walking routes allowing access to and connectivity within the downtown district.

3. Support of the Sedro-Woolley library system will also contribute to the local economy. Investment in library facilities attracts local employees, their families and management to the community. Libraries are places where new ideas are discovered, databases and other reference data and information is available free of charge and where job seekers can go for assistance. A good library is a valuable tool brings visitors and additional revenue to the city.

Support inter-modal connectivity by planning for an Inter-modal Transportation Center/Hub in or near the CBD. Work with and encourage SKAT to offer a city bus that circulates around Sedro-Woolley and syncs with a link route from the Inter-modal Transportation Center to Burlington.

4. To encourage a multi-modal transportation system that allows local residents to move easily from their homes to their jobs to the necessary services without exclusive dependence upon the single-occupancy vehicle. Encourage new park and ride facilities and improvements to the existing park and ride facilities. Foster new partnerships with the Skagit Transit (SKAT), Van-Go and other transit organizations for increased service in and around Sedro-Woolley, especially to the Central Business District and Industrial zoned properties. Seek opportunities to encourage “express” service between Sedro-Woolley and the major city centers of Anacortes, Burlington and Mount Vernon.
5. Provide economic diversification and a broader range of higher-income employment opportunities by providing space for manufacturing and professional office development. Promote more job development in Sedro-Woolley in order to reduce costs for residents who travel elsewhere to work and to increase the share of spending in the local economy versus money being spent in other areas by local residents.
6. Encourage employers to support bicycle and pedestrian commuting. The City assists in supporting bicycle commuting by implementing the Bicycle and Pedestrian section of the Transportation Element of the Comprehensive Plan. Incorporate access to the city via the County trail system into the city economic development and tourism strategies.
7. Promote tourism to enhance and increase the economic vitality of Sedro-Woolley. Promote the use of the theme “Gateway to the North Cascades.” Create partnerships with like cities on the east side of the North Cascade Pass, such as Winthrop or Twisp, in order to promote each other and what lies between to capture dollars that might be spent elsewhere. Encourage the re-envisioning of the “Trolley Park” idea. Encourage redevelopment of unused or underutilized properties for more tourism retail opportunities. Encourage the creation of CBD hotels/motels, bed and breakfasts, or other lodging prospects.

ECONOMIC DEVELOPMENT GOALS, POLICIES, AND ACTIONS

The city has actively planned for an expanding light industrial/commercial economic base. While detailed manufacturing-related economic impacts have not been recorded for the city, projections of employment indicate a growing industrial/ manufacturing/commercial base can be expected for the city.

Goal E1: To develop a sound fiscal base.

Policy E1.1: Create employment opportunities within the Sedro-Woolley economy, particularly for residents who now commute to other distant employment areas.

Policy E1.2: Participate with other public agencies and private interests in labor force training programs that take advantage of traditional resources.

Policy E1.3: Identify and promote sites which can be developed for a variety of local employment projects. Promote development of business and industrial parks, office and professional centers, and specialized commercial and entertainment centers.

Policy E1.4: Work with property owners to determine the effective development capacity of sites having employment center possibilities.

Policy E1.5: Withhold Sedro-Woolley services to areas outside the incorporated city limits, sewer in particular, unless potential property developers agree to annexation and the payment of local property or other revenue taxes, and associated impact fee assessments.

Policy E1.6: Pursue a policy, in conjunction with the county, to expand the acreage for heavy and light industrial activities within the Sedro-Woolley urban growth area.

Goal E2: To increase economic opportunities.

Policy E2.1: Encourage local business development opportunities and utilization by the private and public sector, particularly for small start-up businesses owned by or employing Sedro-Woolley residents. Promote local use of special small business financing and management assistance programs.

Policy E2.2: Identify facilities which may be used for small businesses. Assist efforts to reuse older buildings, redevelop vacant property, and revitalize the existing central business district (CBD).

Policy E2.3: Assist private groups to establish special improvement districts including parking and business improvement authorities, local improvement districts (LID's), or other programs necessary to the effective revitalization of the existing business and commercial districts of Sedro-Woolley.

Policy E2.4: Participate in special public/private ventures that provide public benefits and are appropriate to Sedro-Woolley's long range goals.

Policy E2.5: Reserve certain capable lands and sites for employment-related developments. Provide a suitable supply of commercial, retail, business, office and industrial lands within Sedro-Woolley to reduce commuting requirements to outside areas for employment opportunities.

Policy E2.6: Create local employment, shopping and other urban service activities that reduce Sedro-Woolley's dependence upon other urban areas.

Policy E2.7: Work cooperatively with the Sedro-Woolley Chamber of Commerce to establish strong business leadership.

Policy E2.8: Perform a detailed commercial/ industrial land use inventory to provide more accurate information on the usable lands available for development in the urban growth area.

Policy E2.9: Encourage local business owners to attend economic development activities, forums, etc.

Goal E3: To realize Sedro-Woolley's image as the "Gateway to the North Cascades."

Policy E3.1: Promote tourism as a means of diversifying the economy and preserving the history of the community.

Policy E3.2: Create and adopt a neighborhood plan for the central business district (CBD). Establish a local marketing strategy for the district, especially the area along Metcalf Street. Encourage retail and food service businesses to extend hours of operation past five p.m. at least a few days each week.

Policy E3.3: Work with upriver communities to identify tourism specialties to avoid direct competition with one another. Develop a tourism network that provides information on each community's specialty, along with food and lodging opportunities.

Policy E3.4: Build on the success of Loggerodeo by adding an associated music festival, such as bluegrass or folk music. Provide a winter festival based on the Santa Claus parade, and add ice sculpture contests, historic home tours, cross-country skiing or other athletic competition, a play and/or Christmas concert. Develop similar festivals to take place in the spring or fall.

Policy E3.5: Develop a flea market/craft show where local artists and crafts people can sell their work. Develop a network for artists and crafts people which would assist with business development, marketing and an apprenticeship program for local youth.

Policy E3.6: Support and recognize existing and ongoing activities and organizations such as the Farmer's Market, local festivals, parades, the Holiday Home Tour and the Sedro-Woolley Museum.

Policy E3.7: Participate in regional trails development to encourage bicycle tourism in Sedro-Woolley.

Policy E3.8: Promote bicycling as Sedro-Woolley's tourism specialty. Enhance existing facilities to accommodate bicyclists, such as providing additional tent spaces and showers at the Riverfront RV Park. Build new facilities, such as centrally-located public restrooms, on-street bicycle lanes and picnic areas.

Policy E3.9: Sedro-Woolley's tourism strategy should also capitalize upon the city's unique location and timber-industry heritage. Strive to maintain a balance between logging history and environmental education and preservation.

Policy E3.10: Include the interests and influence of the Upper Skagit Tribe in Sedro-Woolley's tourism strategy. Encourage joint operation of environmental education sites and programs. Encourage development of Native American arts and crafts shops in the central business district.

Policy E3.11: Support the development of tourist attractions within the Sedro-Woolley area, such as the Sedro-Woolley Museum.

Policy E3.12: Actively work to increase the variety and availability of overnight accommodations within the Sedro-Woolley area including R.V. camping, hotels, motels and Bed & Breakfasts.

Policy E3.13: Provide mitigation for negative impacts associated with tourism, including nonseasonal employment, tourist-local resident conflicts and environmental aspects.

Policy E3.14: Use a variety of media to promote Sedro-Woolley tourism opportunities. Use signage and design along State Route 20 to communicate economic opportunity and attract tourism.

Policy E3.15: Promote the relocation of the fairgrounds to the county land adjacent to the Northern State campus.

Policy E3.16: Encourage signage explaining what companies/products are located/produced in the City's industrial areas to promote the viability of the City's industrial sector. Many interesting and important goods are produced in these areas and improving the awareness of their presence can help attract prospective industrial tenants.

Policy E3.17: Increase the use of kiosks and directional signage to strategically direct visitors to City businesses and civic services.

Policy E3.18: Expand on the existing green industries and promote the City as a hub for further sustainable and green industries.

Policy E3.19: Promote the sprucing-up of the downtown business district. To instill a sense of ownership and foster long-term connections to the community, encourage youth participation in downtown revitalization.

Policy E3.20: Encourage directional signage, interpretive signage and parking for tour busses and other tourist vehicles such as R.V.s.

(Ord.1663-10)

**Chapter 17.65
REGULATIONS FOR CRITICAL AREAS**

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Article I. General Provisions

17.65.010 Introduction.

This chapter shall be known as the critical area ordinance and it is adopted to assist in orderly development, conserve the value of property, safeguard the public welfare, and provide protection for defined critical areas.

The ordinance codified in this chapter was developed under the directives of the Growth Management Act to conserve, protect, and provide no-net-loss of critical areas functions and values pursuant to RCW 36.70A.172. Critical areas are defined as wetlands, aquifer recharge areas, flood hazard areas, geologically hazardous areas, and fish and wildlife habitat conservation areas. Some of these areas, such as geologic hazards and flood hazard areas are critical because of the hazard they represent to public health. Others, such as fish and wildlife habitats and wetlands are critical because of their public value.

Critical areas will be designated by definition and then classified through site assessments so that they can be identified using scientifically based criteria, protected, or their functions and values mitigated resulting in no-net-loss. The use of site assessments to confirm the actual presence and classification of critical areas is central to the management approach developed under this chapter.

The ordinance codified in this chapter was drafted to provide regulatory structure for identification, designation, protection, and mitigation of critical areas. This chapter allows staff to provide site visits, preliminary reviews, and pre-application meetings to assist in the identification of critical areas.

Critical Area Maps. Maps are useful primarily as an indicator of the distribution and extent of critical areas. Maps will be used wherever possible as part of the screening process for evaluating individual applications. Critical areas maps may be updated as critical areas are delineated through the application process. Although a number of map resources are utilized in this chapter, regulatory measures such as buffer requirements are based upon the identification of critical areas during the permit, development authorization, or other approval processes. These maps include the location of known or potential critical areas and are based on the best available science information, and include natural resource information, gathered through field inventory, as well as information prepared by applicable state and federal agencies. These maps shall be referred to as the "Critical Areas Maps" of the city of Sedro-Woolley.

17.65.020 Application, purpose.

- A. This chapter shall apply to land use, development, structures, facilities, and platting located in the city limits of Sedro-Woolley, within the geographical areas that meet the definitions and criteria for critical areas regulation as set forth in this chapter. No development activity or alteration of land, water, or vegetation within a critical area or its standard buffer, except as specifically allowed by this chapter, shall be allowed without prior authorization by the director.
- B. The purpose of these regulations is to:
 - 1. Protect human life, property, and the public health and safety of the citizens of Sedro-Woolley;
 - 2. Minimize the expenditure of public money;
 - 3. Maintain the city's flood insurance eligibility while avoiding regulations which are unnecessarily restrictive or difficult to administer;
 - 4. Ensure that wetland, fish and wildlife habitat, and other critical area functions and values are protected or mitigated for no-net-loss to provide public benefits.
- C. The following shall constitute critical areas:
 - 1. Wetlands and Riparian Corridors, Including Brickyard Creek, Willard Creek, Hanson Creek and Tributaries. Wetlands and riparian corridors serve many important ecological and environmental functions and help to protect public health, safety and welfare by providing flood storage and conveyance, erosion control, fish and shellfish production, fish and wildlife habitat, recreation, water quality protection, water storage, education, scientific research and other public benefits. It is the purpose of this chapter to protect these functions to prevent the

continual loss of wetlands and riparian corridors, and where practical to enhance or restore wetlands and riparian corridors functions and values.

2. Areas with a Critical Recharging Effect on Aquifers Used for Potable Water. Potable water is an essential life-sustaining element. Sedro-Woolley's drinking water comes from Public Utility District #1, rather than groundwater supplies. Once groundwater is contaminated, it is difficult, costly, and sometimes impossible to clean-up. It is the purpose of this chapter to prevent contamination and depletion, avoid exorbitant clean-up costs, hardships and potential physical harm to people. There are some existing wells used for irrigation in the city limits that are not mapped.
 3. Fish and Wildlife Habitat Conservation Areas. In addition to their intrinsic value, certain species of fish and wildlife represent important historic, cultural, recreational and economic resources. Many species serve as indicators of the condition of the environment and the quality of life that local residents have invested in, enjoy and respect. It is the purpose of this chapter to protect, restore where practical, and enhance fish and wildlife populations and their associated habitats.
 4. Frequently Flooded Areas. It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in the floodplain and the floodway according to the provisions established under this code; and
 5. Geologically Hazardous Areas. Geologically hazardous areas include areas susceptible to the effects of erosion, sliding, earthquake, or other geologic events. They pose a threat to the health and safety of citizens when incompatible residential, commercial, industrial, or infrastructure development is sited in areas of a hazard. Geologic hazards pose a risk to life, property, and resources when steep slopes are destabilized by inappropriate activities and development or when structures or facilities are sited in areas susceptible to natural or human caused geologic events. Some geologic hazards can be reduced or mitigated by engineering, design, or modified construction practices so that risks to health and safety are acceptable. When technology cannot reduce risks to acceptable levels, building and other construction within identified geologically hazardous areas shall be prohibited.
- D. Exemptions from Critical Areas Review Requirements. Subject to the limitations established in this chapter the following developments, associated uses and activities shall be exempt from the critical areas review procedures:
1. Emergency activities necessary to reduce or prevent an immediate threat to public health, safety, and welfare. Such emergency is an unanticipated, imminent threat to the public health or safety or to the environment that requires immediate action within a period of time too short to allow full compliance with this chapter. The exemption for emergencies should not eliminate the need for later mitigation

to offset the impacts of emergency activity. Once the immediate threat has been addressed, any adverse impacts on critical areas should be minimized and mitigated;

2. Ongoing agriculture activities, including related development and activities that do not result in an expansion or further expansion into a critical area or its standard buffer;
3. Normal and routine maintenance or repair of existing structures, utilities, sewage disposal systems, potable water systems, drainage facilities, ponds or public and private roads and driveways associated with existing residential or commercial development; normal maintenance, repair, or operation of existing structures, facilities, and improved areas accessory to a single-family residential use; and such maintenance activities are limited to existing landscaping improvements and do not expand into critical areas or associated buffers, do not expose soils, do not alter topography, do not destroy or clear native vegetation, and do not diminish water quality or quantity;
4. Modification of any existing residence that does not add to or alter the existing use and does not expand the building footprint or increase septic effluent;
5. Activities involving artificially created wetlands or artificial watercourses intentionally created from non-wetland sites, including, but not limited to, grass-lined swales, irrigation and drainage ditches, road side ditches, stormwater detention facilities, and landscape features, except those features that provide critical habitat for anadromous fish and those features that were created as mitigation pursuant to the provisions of this chapter;
6. Passive outdoor recreation activities that do not adversely impact critical areas or their buffers;
7. Education and scientific research activities that do not adversely impact critical areas or their buffers.

17.65.025 Definitions.

As used in this chapter:

“Anadromous fish” refers to a fish species that ascend rivers from the sea to spawn.

“Aquifer recharge areas, critical” refer to areas where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of water.

“Artificial watercourse” refers to ditches and other water conveyance systems, not constructed from natural watercourses, which are artificially constructed and actively maintained for irrigation and drainage. Artificial watercourses include lateral field ditches used to drain farmland where the ditch did not replace a natural watercourse, roadside ditches, stormwater systems, or any other constructed drainage ditch.

“Best available science” refers to information gathered, analyzed and presented based on professional experience, expertise, and judgment, and established scientific principles and practices. Such principles and practices include peer review, use of scientific methodology, logical analysis and reasonable inference, statistical analysis, rigorous referencing within the scientific literature, and conclusions drawn from within an accepted scientific framework and placed in an appropriate scientific context.

"Best management practices (BMPs)" refer to physical, structural, and/or managerial practices, that when used singly or in combination, prevent or reduce water pollution. Source control BMPs include those which keep the pollutant from ever coming in contact with stormwater, and stormwater treatment BMPs include those which consist of various methods of treating stormwater. See also SWMC Chapter 13.36 and Chapter 13.40 (Stormwater Management).

"Biological assessment" refers to a study prepared by a qualified biologist that describes the biotic and abiotic aspects of the site and surrounding area. This includes, but is not limited to, the flora, fauna, plant communities, habitat(s), streams, wetlands, soils, and topography of and on the site and adjacent area.

"Buffer, critical area" is an area that provides a reasonable margin of safety through protection of slope stability, attenuation of surface water flows and landslide hazards reasonably necessary to minimize risk to the public from loss of life or well-being or property damage resulting from natural disasters; or an area which is an integral part of a stream or wetland ecosystem or wildlife habitat and that provides shading, input of organic debris and coarse sediments, room for variation in stream or wetland boundaries, habitat for wildlife, and protection from harmful intrusion necessary to protect the public from losses suffered when the functions and values of aquatic resources are degraded.

"Compensatory mitigation" is replacing project-induced critical area losses or impacts, and includes, but is not limited to, restoration, creation, or enhancement.

"Critical areas" mean and include the following areas and ecosystems:

1. Wetlands;
2. Areas with a critical recharging effect on aquifers used for potable water;
3. Fish and wildlife habitat conservation areas;
4. Frequently flooded areas; and
5. Geologically hazardous areas.

"Delineation" is the precise determination of wetland boundaries in the field according to the application of specific methodology as described in the Washington State Wetlands Identification and Delineation Manual, Washington State Department of Ecology publication #96-94 and the 1987 U.S. Army Corps of Engineers Wetlands Delineation Manual or most recent update and the Western Mountains, Valleys, and Coast Regional Supplement (May 2010).

"Development" means any manmade change to the land or improvements occurring after the effective date of the ordinance codified in this chapter including structures, mining, dredging, drilling, filling, grading, paving or excavation, storage of equipment and materials, and excluding the removal of vegetation. Where a project is dividable into parts, the entire scope of such changes or improvements constituting an integral, functional project should be considered the development for purposes of determining whether such development is allowed or requires a permit.

"Director" means the city of Sedro-Woolley planning director or his/her designee.

"Fish and Wildlife Habitat Conservation Areas (HCA)" refer to areas with which endangered, threatened, sensitive, priority species, their habitat, streams, stream corridors, or mature

forested areas, as indicated by local, state, or federal governmental agencies have a primary association.

“Geologically hazardous areas” are areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to siting commercial, residential, or industrial development consistent with public health or safety concerns.

“Habitats of local importance” mean and include a seasonal range or habitat element with which a given species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long-term. These might include areas of high relative density or species richness, breeding habitat, winter range, and movement corridors. These might also include habitats that are of limited availability or high vulnerability to alteration, such as cliffs, talus, mature forests, corridors, and wetlands.

“In-lieu of fee” refers to a fee paid as compensation for impacting a critical area in place of completing compensatory mitigation. Any in-lieu fee paid shall go towards protection of habitat commensurate to compensate the lost functions and values of the critical area affected by a development.

“Mean sea level” means the average height of the sea for all stages of tide, also equals National Geodetic Vertical Datum.

“Mobile home or manufactured home” means any structure designed or used as a permanent residence, built on a permanent chassis, and transportable to site of placement in one or more sections.

“Mobile home park or manufactured home park” means a parcel of land in one ownership containing two or more mobile homes or manufactured homes, sited for habitation.

“Native vegetation” refers to plant species that are indigenous to the Sedro-Woolley area.

“Natural watercourse” refers to any stream in existence prior to settlement that originated from a natural source. An example of a natural watercourse is a stream that originates in a wetland or upland area, flows through agricultural, rural, and/or urban areas, and ultimately empties into a saltwater bay or another watercourse. A natural watercourse may have been ditched or piped.

“Primary association” means the use of a habitat area by a species for breeding, nesting, rearing young, roosting, feeding, or foraging on a regular basis.

“Public facilities” mean and include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreation facilities, and schools.

“Public services” mean and include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

“Qualified expert” means a person having substantially demonstrated experience as a practicing specialist with a minimum of five years of experience working full time in the profession and who has a degree in a related field from an accredited college or university or who has equivalent training.

“Residential health care facilities” mean facilities caring for elderly or infirm persons wherein clients are partly or entirely residents or detainees thereof. Includes hospitals, convalescent homes and homes for the elderly where some supervision or health care is provided.

“Seismic hazard areas” are areas subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement, or soil liquefaction. The city of Sedro-Woolley is located in Seismic Zone 3 and construction is required to comply with the Uniform Building Code seismic standards.

“Species of local importance” are those species that are of local concern due to their population status or their sensitivity to habitat manipulation.

“Steep slope areas” are areas with slopes greater than fifteen percent.

“Structure” means a walled and roofed building or mobile home, or gas or liquid storage tank that is principally above ground by at least three feet.

“Substantial improvement” means any repair, reconstruction, or improvement to a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:

1. Before the improvement is started; or
2. If the structure has been damaged and is being restored, before the damage occurred.

This term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are necessary to assure safe living conditions; or
2. Any alteration of a structure listed in the National or State Register of Historic Places.

“Unavoidable impacts” refer to affecting critical areas where site conditions preclude avoidance because of density requirements, critical areas that bisect parcels such as streams or linear wetlands, or parcels that contain many small wetlands.

“Urban growth” refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of such land for the production of food, other agricultural produce, or fiber, or the extraction of mineral resources. When allowed to spread over wide areas, urban growth typically requires urban governmental services. “Characterized by urban growth” refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

“Wetland” or “wetlands” means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street or highway. However, wetlands may include these artificial wetlands intentionally

created from non-wetland areas created to mitigate conversion of wetlands, if permitted by the city.

“Wetland mitigation bank” means a wetland area that has been restored, created, enhanced, or (in exceptional circumstances) preserved, which is then set aside to compensate for future conversions of wetlands for development activities. A wetland bank may be created when a government agency, a corporation, or a nonprofit organization undertakes such activities under a formal agreement with a regulatory agency. The value of a bank is determined by quantifying the wetland values restored or created in terms of “credits.”

17.65.030 Authority.

The ordinance codified in this chapter is adopted under the authority of RCW 36.70 and RCW 36.70A, and Article 11 of the Washington State Constitution.

17.65.040 Applicability, jurisdiction and coordination.

A. Relationship to Other Federal, State and County Jurisdictional Agencies’ Regulations. Many state, federal and regional regulations apply to projects conducted within critical areas. Uses otherwise allowed by local codes do not eliminate other agency regulatory requirements.

1. Federal regulations include:
 - a. Clean Water Act, Section 404, 401;
 - b. Coastal Zone Management Act;
 - c. Endangered Species Act;
 - d. Federal Water Pollution Control Act;
 - e. Food Security Act—Swampbuster;
 - f. National Environmental Policy Act;
 - g. National Floodplain Insurance Program;
 - h. River and Harbor Act, Section 10.
2. State regulations include:
 - a. RCW 43.21C State Environmental Policy Act;
 - b. RCW 75.20 Hydraulic Project Approval;
 - c. RCW 76.09 Forest Practices Regulations;
 - d. RCW 77.12 Bald Eagle Protection Rules;
 - e. RCW 78.44 Surface Mining Act;
 - f. RCW 86.16 Floodplains;
 - g. RCW 90.03 State Water Code;
 - h. RCW 90.48 State Water Pollution Control Act;
 - i. RCW 90.58 Shoreline Management Act.
3. Local regulations include:
 - a. SWMC Chapter 2.88, Environmental Policy;
 - b. SWMC Chapter 13.36, Stormwater Management Standards;
 - c. Skagit County Shoreline Management Program.

B. Jurisdictional Substitution. In cases where other agencies possess jurisdictional control over critical areas and it is determined by the director that the permit conditions in permits issued by those other agencies satisfy the requirements of this chapter, those requirements may substitute for the requirements of this chapter. Such requirements shall be a condition of critical area approval and be enforceable under this chapter. Such agencies may include, but are not

limited to, the United States Army Corps of Engineers, Environmental Protection Agency, U.S. Fish and Wildlife Service; local tribes, the Washington State Department of Ecology, Washington State Department of Natural Resources and Washington State Department of Fish and Wildlife. The applicant shall be notified in writing when any such substitution is made.

17.65.050 Resource information and maps.

- A. Critical areas defined and identified in this chapter shall be mapped whenever possible. These maps shall be advisory and used by the director to provide guidance in determining applicability of the standards to a property. Sites which include critical areas, whether mapped or not mapped, shall be subject to the provisions of this chapter. The aerial topographic map of the city of Sedro-Woolley, October 2003 and subsequent updates, along with wetland delineation maps in the city of Sedro-Woolley land use files, are the advisory maps, along with the "Flood Insurance Study, City of Sedro-Woolley," dated December 1, 1989, and any revisions thereto, with accompanying flood insurance rate map (FIRM), dated December 1, 1989. That document is on file at Sedro-Woolley City Hall, 720 Murdock Street. These maps are hereby adopted by reference and declared to be part of this chapter, and any subsequent revisions.
- B. Recognizing the necessity for accurate geographic information, a comprehensive inventory identifying the location, size, and other characteristics of critical areas shall be compiled as new data is available.
- C. The results of the inventory shall be transferred to maps and published. These maps shall be available at the planning department for public inspection.
- D. When completed, critical area maps shall serve as guides to the location and extent of such critical areas.
- E. Critical area maps, with the exception of the flood insurance rate map used to designate certain flood hazard areas, are provided only as a general guide to alert the user to the possible distribution, location and extent of critical areas. Map identification of critical areas provides only approximate boundaries and locations. The actual locations and boundaries of critical areas, as well as their quality and quantity, shall be based upon the presence of the features applicable to each critical area element in this chapter. Maps shall not be considered a regulatory standard or substitute for site specific assessments. The application of definitions, methodologies and performance standards pursuant to the site specific assessment requirements provided in this chapter is the controlling factor in determining the actual presence and extent of critical areas.
- F. The critical area maps utilize the best information currently available and will be updated on a continual basis by the director.
- G. On a regular basis, formal requests shall be made for updated information to the resource agencies responsible for updating their respective map information. Incorporation of such updated information into the critical areas maps shall be made.

- H. Critical areas mapped under the site assessment requirements of this chapter shall be compiled in a database and incorporated into critical area maps. This map information shall be utilized to facilitate tracking of compliance with the requirements of this chapter to ensure long-term protection of critical areas.

17.65.060 General requirements and authorizations required.

- A. All proposals specified in SWMC Section 17.65.100, and located in critical areas shall meet the following general requirements:
 - 1. Site. Complete stabilization of all portions of a site which are disturbed or impacted by the proposed development, including all development coverage and construction activity areas, shall be required. Complete stabilization of all portions of a site refers to the process and actions necessary to ensure that existing and proposed site improvements are stabilized, and that all on-site areas and adjacent properties which are disturbed or impacted are stabilized. The proposed development shall be limited and controlled to avoid adverse impacts and potential harm and ensure safe, stable and compatible development appropriate to site conditions. Other reasonable and appropriate solutions to solve site stability problems may be required by the director.
 - 2. Adjacent Site, Surrounding Area, and Drainage Basin. The proposed development shall ensure safe, stable and compatible development which avoids adverse environmental impacts and potential harm to adjacent sites, the surrounding neighborhood, and the drainage basin. Detailed analysis of impacts of the development upon wetlands, riparian corridors, native vegetation and wildlife habitats, water quality, natural water temperature, slope and soil conditions, and surface water drainage may be required at the request of the director when site and area conditions indicate the need for this analysis. Supplemental technical reports may be required by the director to specify measures to preserve, protect, and maintain adjacent sites and the drainage basin and ensure safe, stable and compatible development.
- B. With the exception of activities identified as exempt under SWMC Sections 17.65.020(D) and 17.65.100, any land use activity that can impair the functions and values of critical areas or their buffers through a development activity or by disturbance of the soil or water, and/or by removal of, or damage to, existing vegetation shall require critical areas review and written authorization pursuant to this chapter. Vegetation destruction or removal, other than the normal maintenance of existing landscaping identified as exempt under SWMC Section 17.65.100(M), shall be prohibited within a critical area or its required buffer, unless there is an approved mitigation plan pursuant to the requirements of the particular critical area that demonstrates there will be no adverse impact to the critical area with the proposed vegetation removal and disturbance of the soil or water and includes any mitigation or buffer enhancement necessary to address critical areas impacts. Authorizations required under this chapter overlay other permit and approval requirements of the Sedro-Woolley Municipal Code. Regardless of whether a development permit or approval is required, any proposed alteration that can adversely affect a critical area or its standard buffers' functions must comply with the substantive and procedural requirements of this chapter. Critical areas review pursuant to this chapter shall be conducted as part of the underlying permit or approval, where applicable. It is the responsibility of the landowner, or designee, who conducts or proposes to undertake land use activities that can adversely impact critical areas or their buffers to obtain authorization prior to commencing such activities. In some

cases, the typical thresholds that trigger review and permits have been reduced to zero for any development activity located within a critical area or its required buffer.

- C. Procedures: No land use development permit, land division, development approval, or other authorization required shall be granted until the applicant has demonstrated compliance with the applicable provisions of this chapter.
 - 1. The applicant shall demonstrate that the proposal submitted conforms to the purposes and standards of this chapter, assesses impacts on the critical area from activities and uses proposed, and identifies protective mechanisms adequate to meet the requirements of this chapter.
 - 2. The director or designee shall review each proposal and determine if the proposal is consistent with applicable regulations of this chapter and if the protective mechanisms proposed are sufficient to protect the critical area, public health, safety and welfare, and if so, shall condition approval accordingly. If not, the director shall specify conditions of approval. If the director determines that there are no conditions under which the proposal could be approved, then the director shall deny the proposal.

Any proposed development or land division shall be conditioned as necessary to mitigate impacts to critical areas as required by this chapter and any project that cannot adequately mitigate its impacts to critical areas shall be denied.

Conflicts with Other Provisions: If any provision of this chapter conflicts with any other applicable code provision, the more restrictive shall apply unless specifically excepted in this chapter.

- 3. Satisfaction of the requirements of this chapter shall also be sufficient to satisfy the requirement for critical areas analysis and mitigation pursuant to RCW 43.21C the State Environmental Policy Act and SWMC Chapter 2.88, Environmental Policy.
- 4. SEPA Compliance. The goals, policies and purposes set forth in this chapter shall be considered policies of the State Environmental Policy Act. When applicable the applicant must meet SEPA requirements.
- 5. Other Permits Required. It is recognized that many local, state, and/or federal permit conditions may apply to the proposed action, and that compliance with the provisions of the chapter may not necessarily constitute compliance with other such requirements.

17.65.065 Public notice and records.

- A. Public notice for projects subject to the provisions of this chapter shall be provided pursuant to the requirements of SWMC Chapter 2.90, Consolidated Planning Procedures.
- B. Records of all critical area assessments and related land use approvals and conditioning shall be maintained and be made available to the public upon request.

17.65.070 Application submittal requirements.

In addition to the application submittal requirements specified in other codes, all development proposals subject to this chapter, may include at the director's request, the following additional information:

- A. Surveyed Site Plan. A surveyed site plan shall be prepared by a state of Washington licensed surveyor and shall include the following, all or in part when required by the director:
 - 1. Existing topography at two-foot contour intervals on site within twenty-five feet of the site's abutting boundaries, and within the full width of abutting public and private rights-of-way and easements.
 - 2. Terrain and drainage flow characteristics within the site, within twenty-five feet of the site's abutting boundaries, and within the full width of abutting public and private rights-of-way and easements.
 - 3. Proposed location and boundaries of all required undisturbed fenced areas and buffers on-site and on adjacent lands.
 - 4. Location of all vegetation, including location and description of all trees over six inches in diameter measured five feet above the base of the trunk, shrubs over eight feet tall or six feet wide, and noting their species.
 - 5. Location and boundaries of all existing and proposed site improvements on the site and within twenty-five feet of the site's property boundaries, and the full width of abutting public and private rights-of-way and easements. This shall include the limits of development coverage, impervious surfaces and construction activity areas (noting total square footage and percentage of site occupied).
 - 6. Location of all grading activities in progress or proposed, and all drainage control facilities or systems in existence in progress or proposed within twenty-five feet of the site's property boundaries, and the full width of abutting public and private rights-of-way and easements.
 - 7. Location of all existing and proposed utilities (water, sewer, gas, electric, phone, cable, etc.), both above and below ground, on-site, on adjacent lands within twenty-five feet of the site's property lines, and in the full width of abutting public rights-of-way, and proposed methods and locations for the proposed development to hookup to these services.
 - 8. Such other additional site plan information as necessary to complete review of a project or waive specific submittal requirements when not necessary for project review.
- B. Technical Reports. Technical reports shall be prepared as required by the director detailing geological, hydrological, drainage, and other site conditions, to comply with the development standards in SWMC Section 17.65.060 and pursuant to SWMC Chapter 13.36, Stormwater Management Standards. The reports shall be used to condition development to prevent potential harm and to protect the critical nature of the site, adjacent properties, and the drainage basin. Technical reports prepared by consultants not contracted with the city of Sedro-Woolley for the work shall be subject to third party review by the city of Sedro-Woolley's independent consultant/expert at the applicant's expense. Appeals of the decision by the director in consultation with the city's independent consultant/expert shall be subject to the administrative appeals procedures in SWMC Chapter 2.90. The city may also rely on opinions from agencies listed in SWMC Section 17.65.040(B) in making the decision.

17.65.080 Administration.

- A. The planning director in consultation with the city engineer and the building official shall be responsible for the administration of this chapter, including:
 - 1. Review applications for development in the city limits to verify compliance with this chapter;

2. Reviewing applications for development in the city limits to assure that all necessary permits have been obtained from those federal, state or local government agencies from which prior approval is required;
 3. Recording and maintaining records of:
 - a. As-built elevation above mean sea level of the lowest floor including basement of all new and substantially improved structures requiring a floodplain approval and whether same structure contains a basement,
 - b. Certification by registered professional engineer or architect as required by this chapter,
 - c. Floodplain approvals and other actions pursuant to the administration of this chapter;
 4. Notification to adjacent communities and the Department of Ecology and the Department of Fish and Wildlife prior to any alteration or relocation of a watercourse with copy to FEMA, and maintenance within the altered or relocated portion of such watercourse so that flood-carrying capacity is not diminished;
 5. When base flood elevation data has not been provided, obtaining, reviewing, and reasonably utilizing any base flood elevation and floodway data that should become available from a federal, state or other source in order to administer standards and floodways;
 6. Issuance of development permits pursuant to SWMC Chapter 17.68, Home Occupation Permits, and SWMC Chapter 15.04, Building Code before construction or development begins within the city limits;
 7. Maintain for public inspection all records pertaining to the provisions of this code.
- B. This chapter shall be administered in accordance with Chapter 86.16 RCW and Chapter 508-60 WAC. This chapter shall be revised as necessary to conform with any changes in state rules pertaining to flood control zones which may be adopted by the State Department of Ecology subsequent to the effective date of delegation of the state's permit program to the city.
- C. The administrative procedure for critical areas review shall be as follows:
1. Determination that an Activity Requires Standard Review. All applications for approval of activities requiring written authorization pursuant to SWMC Section 17.65.060 shall require the submission of a critical areas checklist completed and filed by the applicant on the forms provided by the planning department. If not otherwise required, all applications for critical areas review shall include a description of the proposed activity and a site plan showing the location of the proposed activity and associated area of disturbance in relation to all known critical areas or critical area indicators. Upon receipt of the application, the director shall determine whether the proposed activity fits within any of the exempt activities found in SWMC Section 17.65.100. If the proposed activity is so allowed and meets the associated conditions for such an allowance, no other critical areas review shall be required, except as necessary for the director to ensure that any conditions for such an allowance are met in practice. The director shall note this determination in the application file and provide written authorization for the project or activity to proceed as proposed in the application when undertaken in accordance with any conditions for such an allowance. Proposed activities identified under SWMC Section 17.65.100 that do not meet the conditions for such an allowance or that the

- director determines may result in significant adverse impacts to a critical area or its buffer shall be subject to standard critical areas review.
2. Method for Initial Determination of Critical Areas. Upon determination that the proposed activity requires detailed critical areas review, and upon receipt of a completed critical areas checklist, the director shall use the following method to determine whether critical areas or their required buffers will possibly be affected by the proposed activity:
 - a. Review the critical areas checklist together with the maps and other critical areas resources identified in the relevant sections of this chapter;
 - b. Complete the critical areas staff checklist;
 - c. Inspect the site; and
 - d. Complete the critical areas field indicator form.
 3. Determination that Critical Areas are Not Affected. If the director determines that critical area indicators are not present within two hundred feet of the proposed activity or within a distance otherwise specified in this chapter, then the review required pursuant to this chapter is complete, except as necessary for the director to ensure that the proposed activity is undertaken as described in the application and as shown on the site plan. The director shall note this determination in the application file and provide written authorization for the project or activity to proceed as proposed in the application or, where applicable, with any specific conditions of approval. This determination shall not constitute approval of any use or activity or its compliance with the requirements of this chapter, outside the scope of that stated in the application. Any proposed change in use or scope of activity from that contained in the application shall be subject to further review under this chapter. The applicant shall acknowledge in writing that this determination by the director regarding the apparent absence of critical area indicators and the likelihood that critical areas will not be affected is not intended as an expert certification regarding the presence or absence of critical areas and that the critical areas review process is subject to possible reopening if new information is received as described in subsection (C)(4) of this section. If the applicant wants greater assurance of the accuracy of any such critical area indicators determination, the applicant shall hire a qualified critical areas expert to provide such assurances.
 4. Reopening of Review Process.
 - a. If at any time prior to completion of the public input process on the associated permit or approval, the director receives new evidence that a critical area may be present within two hundred feet of the project area or within a distance otherwise specified in this chapter, then the director shall reopen the critical areas review process pursuant to this chapter and shall require whatever level of critical areas review and mitigation as is required by this chapter.
 - b. Once the public input process on the associated permit or approval is completed and the record is closed, then the director's determination regarding critical areas pursuant to this chapter shall be final; provided, however, that the director shall not be prevented from reopening the critical areas review process, if staff relied on misinformation provided by the applicant in the application or checklist. For the purposes of this subsection, "misinformation" means information regarding the nature and/or location of the proposed activity as presented in the application or regarding the presence of a critical area or critical area indicators on the subject property which the applicant knew or should have known was relevant at the time of the submittal of

the checklist. Prior to reopening a critical areas review under this subsection, the director shall make a site visit. No critical areas review shall be reopened under this section unless the director determines, after the site visit, that the applicant provided misinformation.

- c. If a critical areas review is reopened under this subsection after a permit or approval is granted, the burden of proof on whether the applicant submitted "misinformation" at the time of the submittal of the checklist shall be on the director. The applicant or landowner who submitted the critical areas checklist upon which the misinformation was discovered shall be the responsible party for compliance with this chapter, including any necessary mitigation.
- 5. Determination that Critical Areas are Affected. If the director determines that critical area indicators are present within two hundred feet of the proposed activity or within a distance otherwise specified in this chapter, then the director shall note this determination in the application file and the applicant shall be required to provide the critical areas site assessment specified in this chapter. Development of a site assessment may precede a site visit, provided, that no disturbance of vegetation or land surface occurs prior to authorization.
- 6. Critical Areas Determination and Conditions of Approval. Based on the critical areas site assessment report and other available critical areas information, the director shall make a determination on the proposed activity. A determination to approve a proposed activity shall include designation of protected critical areas (PCAs) pursuant to SWMC Section 17.65.170 and stipulation of binding conditions and required mitigation, monitoring, maintenance or other conditions of approval pursuant to this chapter. If the director determines that there are no conditions under which the proposed activity could be approved, then the director shall deny the proposal.

17.65.090 Critical areas checklist, site assessment and conditions of approval.

- A. Critical Areas Checklist. Pursuant to SWMC Sections 17.65.060 and 17.65.080, every application for an activity that might alter or adversely affect a critical area or associated buffer shall include a critical area checklist on a form provided by the director. The checklist shall identify all critical area indicators and/or all known critical areas within two hundred feet of the proposed activity or within a distance otherwise specified in this chapter. The checklist shall be signed by the applicant and shall inform the applicant that if the information on the checklist is later determined incorrect, then any permit or approval issued based on misinformation (as described in SWMC Section 17.65.080(C)(4)) could be rescinded and the site required to be restored to its original condition prior to disturbance.
- B. Site Assessment Required. If, after the site visit, the director determines that the proposed activity area is within two hundred feet, or within a distance otherwise specified in this chapter, of an area that may contain critical area indicators, or if the director determines that the proposed activity will adversely impact a critical area or its associated buffer, then a complete critical areas site assessment shall be required. Critical areas site assessments, as described in more detail in the various sections for each type of critical area, shall be submitted as part of a complete application for a development permit or other approval of land use activities having the potential to impact critical areas or their buffers, by a qualified expert.

- C. **Site Assessment Preparation.** The critical area site assessment shall be prepared by a qualified expert for the type of critical area or areas involved and shall contain the information specified for each type of critical area. In general, the site assessment shall include critical area inventory, assessment of impacts and, where applicable, proposed mitigation, land use restrictions and landowner management, maintenance and monitoring responsibilities. The qualified expert may consult with the director prior to or during preparation of the site assessment to obtain approval of modifications to the contents of the site assessment where, in the judgment of the qualified expert, more or less information is required to adequately address the critical area impacts and required mitigation. The director shall allow for peer review and receipt of recommendations from qualified resource agency personnel as part of the process for approval of qualified experts.
- D. Any site plans required by this chapter may be combined into a single site plan wherever possible.
- E. **Critical Areas Determination and Conditions of Approval.** Upon receipt of a properly completed site assessment report, the director shall make a formal determination on the proposed activity as to whether it meets the requirements of this chapter and under what conditions. In making this determination, the director shall utilize the information provided in the site assessment report and all other resource information available. If the director determines that additional technical information or input is necessary or warranted, the director shall contact appropriate federal, state or tribal agencies to provide review and comment on the proposed activity. Formal determinations made by the director shall include the basis and rationale for the determination, as well as detailed specification of related conditions of approval, land use prohibitions, and required landowner mitigation, management, monitoring and/or maintenance. All such requirements shall be clearly shown on plans filed with the director.
- F. **Complete Record.** A complete record of all formal determinations by the director, along with related critical areas checklists, site assessments, binding agreements, conditions of approval, land use prohibitions, required mitigation and a full record of comments received from federal, state or tribal agencies, shall be maintained and made available to the public upon request.

17.65.100 Application of standards.

The standards of this chapter shall apply to all public and private proposals for new structures, proposed additions to structures, short subdivisions and subdivisions, and grading and drainage activity located on either public or private property. Projects may be exempted from the detailed critical area review requirements of this chapter when the following situations and/or conditions apply:

- A. **Emergencies that Threaten the Public Health, Safety and Welfare.** An emergency is an unanticipated and imminent threat to the public health or safety or to the environment which requires immediate action within a period of time too short to allow full compliance with this chapter. Emergency actions that create an impact to a critical area or its buffer shall use reasonable methods that can address the emergency but also that have the least possible impact to the critical area or its buffer. The responsible party shall restore the critical area and buffer after the emergency to the extent feasible, as determined by the city planner. The person or agency undertaking such action shall notify the director within one working day or as soon as practical following commencement of the emergency activity. Following such notification, the director shall determine if the action taken was within the scope of the

emergency actions allowed in this subsection. If the director determines that the action taken or any part of the action taken was beyond the scope of allowed emergency actions, then the enforcement provision shall apply. Restoration must be initiated during the subsequent planting season and completed in a timely manner.

- B. Normal and routine maintenance or repair of existing structures, utilities, sewage disposal systems, potable water systems, drainage facilities, ponds, or public and private roads and driveways associated with preexisting residential or commercial development, provided any maintenance or repair activities shall use reasonable methods with the least amount of potential impact to the critical areas and any impact to a critical area or its buffer shall be restored after the maintenance to the extent feasible.
- C. Normal maintenance, repair, or operation of existing structures, facilities, and improved areas accessory to a single family residential use, provided any maintenance or repair activities shall use reasonable methods with the least amount of potential impact to the critical area and any impact to a critical area or its buffer shall be restored after the maintenance to the extent feasible.
- D. Modification of an existing single-family residence that does not change the use from residential, does not expand the building footprint or increase sewer effluent, and does not adversely impact critical areas or their buffers.
- E. Modification of other than a single-family use which does not expand the building footprint, alter the use or increase septic effluent, pursuant to the requirements of the nonconforming use and structure provisions, and does not adversely impact critical areas or their buffers.
- F. Outdoor recreational activities which do not adversely impact critical areas or their buffers.
- G. The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require tilling soil, planting crops, or changing existing topography, water conditions or water sources and provided further that the activity does not adversely impact critical areas or their buffers.
- H. The operation and maintenance of diking and drainage systems that do not alter their historic condition.
- I. Education and scientific research activities that do not adversely impact critical areas or their buffers.
- J. Construction or modification of navigational aids and channels markers.
- K. Site investigation work necessary for land use applications such as surveys, soil logs, percolation tests and other related activities which do not adversely impact critical areas or their buffers. In every case, critical area impacts shall be minimized and disturbed areas shall be immediately restored.
- L. Maintenance activities such as mowing and normal pruning or removal of nonnative plant species such as blackberries Japanese knotweed, reed canary grass, provided, that such maintenance activities are limited to existing landscaping improvements and do not expand into critical areas or associated buffers, do not expose soils, do not alter topography, do not destroy or clear native vegetation, and do not diminish water quality or quantity.
- M. Fish, wildlife, wetland and/or riparian enhancement activities not required as mitigation, provided, that the project is approved by the U.S. Department of Fish and Wildlife, the Washington State Department of Fish and Wildlife, the
 - 1. Washington State Department of Ecology, or the U.S. Army Corps of Engineers.
- N. Developments in the floodplain other than the following shall require a floodplain approval:
 - 1. Minor structures and additions for which a building permit is not required and which create no new residence such as a slab on grade, or a storage building less than one hundred twenty square feet in area, or other structures exempt from permits in the Uniform Building Code;
 - 2. Fills of less than twelve cubic yards or which will not raise the level of the land above that of the surrounding area;

3. Normal maintenance, resurfacing and rebuilding, at comparable grade of streets, and access ways;
4. Underground improvements and excavations;
5. Maintenance and minor repair of existing improvements;
6. Improvements to structures listed on the National or State Register of Historic Places, subject to SWMC Section 17.65.120;
7. Other minor developments that cause no significant impoundment or displacement of floodwaters, such as open fences, signs and small unenclosed structures.

All such activities shall be carried out in ways that cause the least impact to critical areas and their buffers. If any damage is caused to a critical area or buffer in connection with such activity, the critical area and its buffer must be restored to the extent feasible. To be exempt does not give permission to destroy a critical area or ignore risk. Proponents of such activities shall be responsible for notifying the director if any damage occurs and shall provide all necessary restoration or mitigation. For information on identifying, protecting or mitigating adverse impacts to critical areas, refer to sections in this chapter on wetlands, aquifer recharge areas, geologically hazardous areas, fish and wildlife habitat conservation areas, and flood hazard areas.

17.65.120 General construction and maintenance standards.

All proposals specified in SWMC Section 17.65.050 and located in critical areas shall meet the following general construction and maintenance standards:

- A. All buffer areas and other designated protected areas shall be fenced with a highly visible and durable protective barrier during construction to prevent access and protect critical areas.
- B. All disturbed areas on the site, including development coverage and construction activity areas, shall be controlled in a manner sufficient to control drainage and prevent erosion during construction, and revegetated to promote drainage control and prevent erosion after construction. In cases where erosion potential is severe, the director may require a vegetation and revegetation report to be prepared by a qualified professional with landscaping, plant ecology and botany education and experience. All revegetation shall consist of trees, shrubs, and ground cover that is suitable for the location and does not require permanent irrigation systems for long-term survival.
- C. When development is proposed in critical areas, grading activities shall be strictly limited to areas located on the most environmentally suitable portion of the site, as determined by the director in consultation with qualified experts.
- D. All drainage associated with the development shall be connected to an approved drainage control systems with approved discharge points in compliance with standards set by the city engineer, as specified in SWMC Title 15.
- E. When calculating detention requirements, all disturbed area on the site shall be calculated as development coverage, including revegetated areas.
- F. A development proposal's design shall account for a one-in-one-hundred-year seismic and flood event, unless a design for a greater event is required by other applicable codes. The International Building Code's construction standards for seismic design shall constitute compliance with this section.
- G. All grading in critical areas shall not occur prior to March 31st and shall be stabilized by October 31st unless demonstrated to the satisfaction of the director based on approved technical analysis that no environmental harm or safety issues would result from grading between November 1st and March 31st.

- H. Construction activity shall adhere to a prepared schedule to be approved by the director prior to issuance of a building permit. This schedule shall include, but not be limited to a schedule for compliance with project conditions, limits of construction and work activities, equipment to be used, start and duration of each phase, and work sequencing.
- I. The director may require additional construction practices and methods and requirements, including, but not limited to best management practices and limitations on construction equipment permitted on the site, to protect critical areas on-site, on adjacent sites, and within the drainage basin.
- J. Dumping or filling is prohibited in wetlands and special flood risk areas. Dumping includes deposit of yard waste, trash, litter, refuse, dirt, concrete, asphalt, rocks or similar materials, but shall not include work authorized by approved plans and permits.

17.65.150 Reasonable use exception.

If the application of this chapter would result in denial of all reasonable and economically viable use of a property, then a landowner may seek a reasonable use exception from the standards of this chapter, except for the flood hazard critical area where no exceptions are allowed. Reasonable use exceptions shall only apply to legal lots of record established prior to the effective date of this chapter. Reasonable use exceptions are intended as a "last resort" when no plan for mitigation can meet the requirements of this chapter and allow the applicant a reasonable economically viable use of his or her property. The reasonable use exception shall only be granted under the following conditions:

- A. The application of this chapter would deny all reasonable and economically viable use of the property so that there is no reasonable and economically viable use with a lesser impact on the critical area than that proposed;
- B. The proposed development does not pose a threat to the public health and safety; and any proposed modification to a critical area will be evaluated by the ~~planning commission~~Hearing Examiner through consideration of a site assessment and mitigation plan prepared by the applicant's qualified consultant pursuant to the requirements of this chapter, and will be the minimum necessary to allow reasonable and economically viable use of the property;
- ~~B-C.~~ The inability to derive reasonable economic use is not the result of the applicant's actions or that of a previous property owner, such as by segregating or dividing the property and creating an undevelopable condition;
- ~~C-D.~~ The ~~planning commission~~Hearing Examiner may issue, as part of the findings in any decision made under this subsection, conditions of approval, including modifications to the size and placement of structures and facilities to minimize impacts to critical areas and associated buffers. As part of the findings, the ~~planning commission~~Hearing Examiner may also specify mitigation requirements that ensure that all impacts are mitigated to the maximum extent feasible;
- ~~D-E.~~ The ~~planning commission~~Hearing Examiner shall provide opportunity for public comment before a decision on a request for a reasonable use exception is made, including comments from appropriate federal, state and tribal natural resource agencies if applicable. The director shall maintain a record of all information, including public comments, which were used in making a decision on a request for a reasonable use exception. This record shall be made available to the public upon request; and

~~E.F.~~ Decisions of the ~~planning commission~~ Hearing Examiner may be appealed to the city council pursuant to SWMC Chapter 2.90.

17.65.160 Critical area and buffer mitigation requirements—General provisions.

A. Buffers.

1. As described in more detail in each relevant section, buffers have in some cases been determined necessary and appropriate to protect critical areas and their functions or to prevent risk from a critical area hazard. In those sections of this chapter where specific buffers are identified, those buffers are deemed “required” or “standard” buffers. If a project or activity does not propose any alteration of those buffers or of the associated critical area and the director determines that these buffers are adequate to protect the critical area or to prevent risk of a hazard from the critical area, then subject to the provisions of SWMC Section 17.65.170, no additional mitigation will be required. Once the critical area and its buffer have properly been delineated through a critical areas assessment and any conditions of approval have been established to ensure protection of the critical area function, no further critical areas mitigation assessment is required, except as necessary to ensure that long-term protection of critical areas and buffers is met in practice through compliance with SWMC Section 17.65.170(A)(1). The applicant shall ensure the protection of critical area by performing a site assessment on the entire parcel.
2. If, however, based on a site assessment by a qualified expert, unique features of the particular critical area or its buffer or of the proposed development, the qualified expert determines that additional buffers and/or mitigation measures beyond these buffers are necessary to adequately protect the function of the critical area or to prevent risk of a hazard from the critical area, the director may impose such additional mitigation requirements, provided the qualified expert can demonstrate, based on best available science, why that additional mitigation or buffering is required to adequately protect the critical area function or to prevent hazard from a critical area.
3. Further, if the applicant proposes to reduce these buffers or to alter the critical area or its required buffer, then the applicant shall demonstrate pursuant to SWMC Section 17.65.170, based on best available science, why such buffer and/or critical area modification, together with such alternative mitigation proposed in the critical areas assessment, is sufficient to provide equal or better protection of the critical area function or provide no increased risk of a hazard from the critical area.
4. The critical areas assessment and the conditions of approval shall make adequate provision for long-term protection related to critical areas and buffers, and shall include the requirements established in SWMC Section 17.65.170. However, critical areas and/or buffers identified as Protected Critical Areas (PCAs) as defined in this chapter do not require any provisions for public access, and appropriate restrictions may be included in the easement or title documents. Critical areas and/or buffers identified as PCAs are however subject to periodic inspection by the director, upon prior notification to the landowner, to ensure long-term protection.
5. Protected Critical Areas (PCAs).
 - a. For proposed land divisions, critical areas and their associated buffers identified through the site assessment and city review process shall be designated as PCAs and placed in separate tracts or easements and protected through protective

- covenants shown on the face of the recorded plat. (See Protected critical area requirements, SWMC Section 17.65.170.) Protected critical areas shall be placed in separate tracts under a single owner, unless an easement or alternative method is shown to provide superior protection overtime. An example of an easement that is preferable to a separate tract would be an easement conveyed to a third-party conservation advocacy group.
- b. For development projects or land use activities not involving a new land division, the critical area and its associated buffer identified through the site assessment process shall instead be identified as a PCA by either easement, open space designation or permit conditions, all including restrictive covenants and recorded with the auditor on a site plan to insure long-term protection. Critical areas and/or buffers identified as PCAs are subject to periodic inspection, upon prior notification to the landowner, to ensure long-term protection.
6. Open Space—Protected Area. If a portion of a parcel contains a proposed development project that triggers a development permit, and has not had its critical areas and associated buffers delineated because it was outside the project or area affected by the project, then further critical areas assessment may be required in the future prior to any change of use, or new development permit for that portion of the site. See SWMC Section 17.65.080.
- B. Mitigation. All proposed alterations to critical areas or associated buffers shall require mitigation sufficient to provide for and maintain the functional values of the critical area or to prevent risk from a critical area hazard and shall give adequate consideration to the reasonable economically viable use of the property. Mitigation of one critical area impact should not result in unmitigated impacts to another critical area. Mitigation may include, but is not limited to: buffers, setbacks, limits on clearing and grading, best management practices for erosion control and maintenance of water quality, compensatory mitigation or other conditions appropriate to avoid or mitigate identified adverse impacts.
 - C. Preferred Mitigation Sequence. Mitigation includes avoiding, minimizing or compensating for adverse impacts to regulated critical areas or their buffers. The preferred sequence of mitigation is defined below:
 1. Avoid the impact altogether by not taking a certain action or parts of an action;
 2. Minimize the impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
 3. Rectify the impact by repairing, rehabilitating or restoring the affected environment to the conditions existing at the time of the initiation of the project or activity;
 4. Reduce or eliminate the impact overtime by preservation and maintenance operations during the life of the action;
 5. Compensate for the impact by replacing, enhancing, or providing substitute resources or environments;
 6. All proposed mitigation shall be included in the critical areas assessment. The critical areas mitigation shall include the following:
 - a. Description of existing conditions, functions, and values,
 - b. Description and quantification of impacts,
 - c. Description of proposed mitigations (critical areas lost/critical areas gained),
 - d. Functional analysis of mitigation/analysis of prevention of risk hazard,

- e. Proposed applicant or landowner monitoring or inspection measures and schedule, including specification of method and frequency of submittal of reports on results, and
- f. Contingency plan.

Such assessments must follow the Washington State Department of Ecology's standards.

- D. The director shall make the final determination regarding required mitigation. Required mitigation shall be included in an approved mitigation plan.
- E. Financial Assurance. The director or his/her designee shall require the complete mitigation proposed in the site assessment to be completed prior to final approval of the development permit. For all projects with an estimated mitigation cost of four thousand dollars or over, the director shall require financial assurance that will assure compliance with the mitigation plan if the complete mitigation proposed in the site assessment cannot be completed prior to final approval of the development permit. Financial assurance shall be in the form of either a surety bond, performance bond, assignment of savings account or an irrevocable letter of credit guaranteed by an acceptable financial institution with terms and conditions acceptable to the city attorney, shall be in the amount of one hundred twenty-five percent of the estimated cost of the uncompleted actions or construction, and shall be assigned in favor of the city of Sedro-Woolley. The term of the financial assurance shall remain in place until the required mitigation is complete.
- F. Monitoring of Critical Areas Mitigation. On a regular basis, but no longer than once every two years, the director shall make a significant sampling of projects and activities for which critical area site assessments were required, including mitigation plans, potentially impacting fish-bearing streams and/or Category I, II or III wetlands. The sample shall be taken from permits or approvals issued more than ten months prior to the sampling date. The selected sites shall be inspected for critical area and buffer size and condition and for compliance with any required mitigation or other conditions of approval. Results of such sampling shall be included in the permanent record for the project or activity, shall be reported to the city council, and shall also be utilized for enforcement purposes.

17.65.170 Protected critical area (PCA) requirements.

- A. PCA Identification and Recording.
 - 1. PCA Identification. Approval of development projects which trigger a development permit and other land use activities that can cause adverse impacts to critical areas and/or their buffers shall require the identification and designation of PCAs by the director. This section is intended to apply to unique critical area elements such as buffers or wellhead protection areas that can cause adverse impacts; location in the floodplain unless adjacent to a wetland or riparian corridor does not require recording of a PCA. PCAs shall include all critical areas and associated buffers on the proposed project site which have been identified through the site assessment process.
 - 2. PCA Recording. All PCAs shall be recorded with the county auditor in accordance with the procedures established under this section. The applicant shall be responsible for all fees and other costs associated with recording of PCAs.
 - 3. Binding Agreements. For each project or activity that requires recording of PCAs, the following information shall be recorded with the auditor as part of a binding agreement between the landowner and the city which shall run with the land and be readily available to the public upon request:

- a. Binding agreement signed by the landowner and the director or designee which stipulates any special conditions of approval, protective covenants, binding conditions, or other requirements such as use restrictions, required mitigation, and/or landowner maintenance or monitoring requirements established at the time of approval;
 - b. Required final plat map or site plan clearly showing the locations of PCAs, existing vegetation and permanent buffer edge markers;
 - c. Additional information necessary to document the critical areas inventory at the time of approval, including descriptions of identified critical areas, their locations, functions and values, and existing critical areas or buffer vegetation;
 - d. Identification of any local responsibilities beyond those required by this chapter;
 - e. Reference to the file containing the complete record of information pertaining to approval of the project or activity.
- 4. Permanent Buffer Edge Markers. Except as provided under subsection a of this subsection, the outer edges of all PCAs, with the exception of aquifer recharge areas, shall be clearly marked on-site by the applicant or landowner with permanent rebar stakes and critical area markers. Critical area markers may be either approved critical area signs or inexpensive steel posts painted a standard color approved by the director that is clearly identifiable as a critical area marker. Installation of permanent markers shall be the responsibility of the landowner.
 - a. The director may waive or modify the requirement for permanent buffer edge markers, provided, that any such decision shall be based on a site-specific determination that future verification of PCA locations will not be substantially more difficult without the placement of permanent markers and that such waiver or modification will not result in reduced long-term protection of critical areas. The determination shall be included in the permanent record and made available to the public upon request.
 - b. Where such permanent markers are required, the director shall specify their frequency of placement and general location. Permanent markers shall be placed to locate the edge of the PCA to an approximate accuracy of within five percent of the specified buffer width or within five feet, whichever is larger. The spacing intervals of the markers shall be such as to provide comparable accuracy of line-of-sight determination of buffer edges. The locations of all required stakes/markers shall be shown on the plat map or site map recorded with the auditor.
- B. Protected Critical Area (PCA) Designations for New Land Divisions.
 - 1. For land divisions where site assessments have occurred pursuant to subsection (A)(1) of this section, all PCAs shall be placed into separate tracts or easements, whose uses shall be regulated by the provisions of this chapter and any conditions of approval, including protective covenants and binding agreements as provided for under subsection A of this section. Area within a PCA can be included in total acreage for development purposes and may be used in lot area or density calculations. PCAs may be owned and maintained by the owner of the lot of which they are a part or transferred to the homeowners association or land trust. Protected critical areas shall be placed in separate tracts under a single owner, unless an easement or alternative method is shown to provide superior protection overtime. An example of an easement that is preferable to a separate tract would be an easement conveyed to a third-party conservation advocacy group.

2. Recording. PCA designations shall be recorded with the auditor as part of the plat approval process. The auditor file number referencing the agreement shall be on the face of the plat and its provisions shall run with the land,
 3. PCA Descriptions. The location of PCAs shall be clearly identified on site plans and on preliminary and final plat maps. PCAs shall be labeled using the letters A through Z, or another labeling system approved by the director. Where more than one lot is involved, each lot shall carry independent labeling as described in subsection (D)(1) of this section.
 4. Ingress, Egress and Use. Owners of PCAs shall grant ingress and egress by the director or his or her agent for monitoring and evaluation of compliance with established conditions of approval, binding conditions or any required mitigation. As part of an approved land division, the use limitations required of a designated and regulated critical area according to the provisions of this chapter, including the conclusions of the critical areas site assessment report and any conditions of approval, protective covenants and other binding conditions, shall be clearly stated on the face of the recorded plat.
- C. PCAs on Preexisting Lots.
1. For development proposals and other land use activities that can adversely impact critical areas on preexisting lots, not part of a proposed land division or other form of multiple lot development, PCAs shall be identified on a scaled site plan showing the location of the PCA, structures (existing and proposed) and their distances from the PCA and lot lines to show relative location within the subject parcel(s). The project or activity shall be conditioned for critical area protection and the resulting information recorded with the auditor as defined under subsection A of this section. The site plan may be prepared by the applicant and all distances and locations of structures may be measured from the established PCA boundary to within plus or minus five feet.
 2. Ingress and Egress. Owners of PCAs shall grant ingress and egress to the director or designee for monitoring and evaluation of compliance with established conditions of approval, binding conditions or any required mitigation.
- D. PCA Mapping, Labeling, and Area Calculations.
1. All PCAs Shall be Mapped. The area shall be delineated on the final plat map or on a site plan to an accuracy of plus or minus five feet horizontal and monumented in the field by a qualified expert pursuant to subsection (A)(4) of this section. If a survey was not used to map the critical area, a note on the final plat map shall be recorded stating that a legal survey was not performed to delineate the critical area and that the surveyor is not incurring liability for the exact boundaries of the critical area on the plat map.
 2. During construction phases of development, clear temporary marking using flagging and staking shall be maintained along the outer limits of the delineated PCA or the limits of the proposed site disturbance outside of the PCA. Prior to the start of construction activity, and as necessary during construction, temporary markings shall be inspected and approved by the director or designee. The person responsible for inspecting the temporary flagging shall provide written confirmation to be included in the record as to whether or not the flagging has been installed consistent with the permit requirements prior to commencement of the permitted activity.
 3. All PCAs shall include the necessary labeling to show calculated area (in square feet or acreage), and type and/or class of critical area within each lot. This information shall be noted on the face of the approved plat or site plan.

4. Signs or Fencing Required as Part of Critical Area Mitigation. The director shall require permanent signs or fencing where the director determines that it is a necessary component of a mitigation plan. Examples include situations where variances to the dimensional requirement of this chapter have been granted and the development will occur within a PCA; or where the sensitivity of the PCA will be impacted unless access to the PCA is limited (such as changes of use to farming where livestock is involved). The intent is to provide clear and sufficient notice, identification and protection of critical areas on-site where damage to a critical area or buffer by humans or livestock is probable due to the proximity of the adjacent activity.
5. Sign, Marker and Fence Maintenance. It is the responsibility of the landowner, or any subsequent landowner, to maintain the required PCA markers, signs or fences in working order throughout the duration of the development project or land use activity. Maintenance includes any necessary replacement. Removal of required signs, markers or fences without prior written approval of the director shall be considered a violation of this chapter.

17.65.180 Incentives.

The following incentives are intended to minimize the burden to individual property owners from application of the provisions of this chapter and assist the city in achieving the goals of this chapter:

- A. Open Space. Any property owner on whose property a critical area or its associated buffer is located and who proposes to put the critical area and buffer in a separate open space tract may apply for current use property tax assessment on that separate tract pursuant to RCW 84.34.
- B. Conservation Easement. Any person who owns an identified critical area or its associated buffer may place a conservation easement over that portion of the property by naming a qualified designee under RCW 64.04.130 as beneficiary of the conservation easement. This conservation easement can be used in lieu of the creation of a separate critical areas tract to qualify for open space tax assessment described in subsection A of this section.

The purpose of the easement shall be to preserve, protect, maintain, restore and limit future use of the property affected. The terms of the conservation easement may include prohibitions or restrictions on access and shall be approved by the property owner and the qualified designee.

17.65.190 General natural resource preservation requirements.

- A. For purposes of this section, natural resource lands shall be those lands designated by Skagit County as agricultural, forest or mineral resource lands of long-term commercial significance, and those lands within the city's urban growth area which are currently managed as natural resource lands but which may be designated as an urban reserve area or transitional area, and those lands designated as mineral resource sites within the city limits.
- B. All short plats, subdivisions, development permits and building permits issued for development activities on, or within five hundred feet of, lands designated as agricultural lands, forest lands or mineral resource lands, shall contain a notice that: "The subject

property is within or near designated agricultural, forest or mineral resource lands on which a variety of commercial activities and management practices may occur that are not compatible with residential development for certain periods of limited duration.”

- C. To protect natural resource lands from conflicting uses, such as residential subdivisions, mobile home parks, multifamily residential or other such uses, and to provide a buffer for such uses from the incompatible activities associated with natural resource uses, subdivisions, mobile home parks, planned developments, and multifamily or cluster residential developments shall provide an open space buffer on the perimeter of the development next to the natural resource site(s). This buffer shall be at least fifty feet in width, planted with appropriate vegetation based upon the existing site conditions and adjacent uses, and shall include a fence as required by the director. This buffer area shall be designated as a separate tract within the plat or development, to be maintained through a homeowner’s association, or may be preserved through a conservation easement through private individual lots, as provided under Section 17.65.170 of this chapter. In either case, setbacks for structures, as required under the zoning ordinance, shall be from the property line or easement delineating the edge of the buffer area.

17.65.195 Natural resource area covenants, tracts, notices and dedications.

- A. Covenants. All natural resource buffers established in compliance with this chapter shall be placed in a protective covenant.
- B. Tracts. The city may require that any area classified as a natural resource area be placed in a separate tract, rather than included in a protective covenant. Such a tract shall be:
 - 1. Placed in the same ownership as the parcel it was segregated from;
 - 2. Placed into an undivided common ownership of all lots within a proposed subdivision, short plat, planned development or binding site plan; or
 - 3. Dedicated to a public agency who is willing to accept the tract for long-term management of the protected resource.
- C. Notice on Title. The owner of property adjacent to a natural resource site, on which a development proposal is submitted shall file with the Skagit County auditor a notice in the public record of the presence of a natural resource area, or buffer area easement or tract, the limitations on actions in or affecting such areas, and the applicability of this chapter to the property. The applicant shall submit proof that the notice has been filed for recording before the city may approve any development proposal on the site. The notice shall run with the land and failure to provide such notice to any purchaser prior to transferring any interest in the property shall be a violation of this chapter.
- D. The covenant requirements of this section shall not apply to activities permitted, under the provisions of this chapter, within utility easements or street rights-of-way.

Article II. Wetlands

17.65.200 Wetlands designations.

Wetlands shall be identified and designated through a site visit and/or a site assessment utilizing the definitions, methods and standards set forth in the Washington State Wetland Identification and Delineation Manual, the U.S. Army Corps of Engineers 1987 Manual and the Western, Mountains, Valleys, and Coast Regional Supplement (May 2010).

17.65.210 Wetlands initial project review.

- A. A site visit shall be conducted to confirm the presence of wetland indicators listed in the critical areas checklist or identified on critical areas map references as being within two hundred feet of a proposed project or activity. A positive confirmation by the director that site indicators are present or that the proposed project may impact the wetland area will then require a professional site assessment.
- B. The director shall use the following map references to assist in making a determination:
 - 1. Wetlands mapped under the National Wetland Inventory by the U.S. Department of Interior; Fish and Wildlife Service;
 - 2. Areas mapped as hydric soils under the Soil Survey of Skagit County Area, Washington by the United States Department of Agriculture; Soil Conservation Service;
 - 3. A water of the state as defined under WAC 222-16-030 and maintained in the Washington State Department of Natural Resources Stream Type Maps;
 - 4. Wetlands previously identified through the methodology specified under SWMC Section 17.65.200 for another project; and
 - 5. City of Sedro-Woolley critical areas map as updated periodically by the planning department.

17.65.220 Wetlands site assessment requirements.

If a wetlands site assessment is required, it shall meet the following requirements:

- A. A wetland reconnaissance shall be performed by a qualified wetlands professional. The reconnaissance shall identify the presence of wetlands within two hundred feet of the project or activity area, if practicable. If this wetland reconnaissance demonstrates no wetlands within two hundred feet of the activity area, then no further study is required;
- B. A wetland delineation shall be performed as part of a site assessment where a wetland reconnaissance confirms the presence of a wetland or the applicant chooses to perform a delineation instead of a wetland reconnaissance. The delineation shall be performed by a qualified wetland professional trained in conducting delineations in accordance with the methodology specified under SWMC Section 17.65.200;
- C. Wetlands Site Assessment. The site assessment shall be prepared by a qualified expert wetland professional consistent with this section and SWMC Section 17.65.200. The site assessment shall include the following:
 - 1. Site plan prepared in accordance with the requirements of this chapter indicating the presence of wetlands within two hundred feet of the project or activity area. This site plan information may be prepared by the applicant with review by the qualified wetlands professional. If the applicant together with assistance from the director cannot obtain permission for access to properties within two hundred feet of the activity area then an approximation of the extent of off-site wetlands within two hundred feet of the area may be completed based on aerial interpretation and/or visual observation from nearby vantage points,
 - 2. Wetland community description including Cowardian classification and wetland rating based upon Washington State Department of Ecology's Washington State Wetland Rating System for Western Washington - ~~Parts 1 and 2, April 2004~~2014 Update or subsequent revisions,

3. Delineation report including a site map indicating wetland boundaries and the locations of all data points,
4. Values and functions assessments shall include but not be limited to discussion of water quality, fish and wildlife habitat, flood and stream flow attenuation, recreation and aesthetics,
5. Project description and impact assessment shall include a detailed narrative describing the project, its relationship to the wetland and its potential impact to the wetland,
6. Any proposed mitigation plan shall include a discussion on how the project has been designed to avoid and minimize adverse impacts to wetlands, compensate for the loss of existing functions and values of wetlands, and should follow the general mitigation plan requirements described in SWMC Section 17.65.240 and Guidance on Wetlands Mitigation in Washington - Parts 1 and 42, ~~April 2004~~March 2006, or subsequent revisions, and shall be consistent with the city of Sedro-Woolley comprehensive plan; and
7. Approval of any activity that can adversely affect regulated wetlands shall conform to the requirements set forth in SWMC Section 17.65.170(A).

17.65.230 Alteration of wetlands.

- A. A regulated wetland or its required buffer can only be altered if the wetlands site assessment shows that the proposed alteration does not degrade the quantitative and qualitative functioning of the wetland, or any degradation can be adequately mitigated to protect or compensate for the wetland functions that are lost. Any alteration approved pursuant to this section shall include mitigation necessary to mitigate the impacts of the proposed alteration on the wetland as described in SWMC Section 17.65.240.
- B. Stormwater discharges to wetlands shall be controlled and treated to provide all known and reasonable methods of prevention, control, and treatment as mandated in the State Water Quality Standards, WAC 173-201A, as required by state law and implemented in SWMC Title 15, Buildings and Construction.

17.65.240 Wetland mitigation standards.

- A. Mitigation Plan Requirements. Along with the other provisions of the other subsections below, the following items are required as part of a mitigation plan:
 1. Description of project or activity and impact assessment shall include a detailed narrative describing the project or activity, its relationship to the wetland and its potential impact to the wetland.
 2. Any proposed mitigation plan shall include a discussion on how the project or activity has been designed to avoid and minimize adverse impacts to wetlands and should follow the general mitigation plan requirements described in this section and in Guidance on Wetlands Mitigation in Washington - Parts 1 and 42, ~~April 2004~~March 2006, and subsequent revisions.
- B. Standard Wetland Buffers Requirements. Buffers satisfy the first step in the mitigation sequence set forth in this section. They are necessary in order to avoid potential project generated impacts. Buffers help maintain water quality and habitat diversity while stabilizing hydrology and minimizing direct human disturbance to wetlands. Buffer widths are based on wetland rating, the functions that the buffer is expected to perform, and the intensity of the

proposed land use. The following standard buffers shall be required for regulated wetlands unless otherwise provided for in this section:

Category I	150
Category II	110
Category III	50
Category IV	25

1. Wetland buffers shall be measured horizontally in a landward direction from the wetland edge, as delineated in the field, pursuant to the requirements of SWMC Section 17.65.220. Where lands adjacent to a wetland display a continuous slope of twenty-five percent or greater, the buffer shall include such sloping areas. Where the horizontal distance of the sloping area is greater than the required standard buffer, the buffer shall be extended to a point twenty-five feet beyond the top of the bank of the sloping area;
 2. Except as otherwise specified, wetland buffers shall be retained in their natural condition;
 3. Where buffer disturbance or alteration has or will occur in conjunction with regulated activities, revegetation with native vegetation shall be required and completed as per a mitigation plan approved by the director.
- C. As described generally in subsection A of this section, if an applicant does not propose to alter the required buffer, then no additional wetland impact mitigation shall be required.
- D. If an applicant proposes to decrease or alter a required buffer or alter a wetland pursuant to SWMC Section 17.65.150, the applicant shall demonstrate why such buffer and/or wetland modification, together with such alternative mitigation proposed in the wetland area assessment is sufficient to adequately protect the wetland functions and values or compensate for disturbance to the functions and values of the wetland.
- E. Performance Based Buffer Alternatives. Buffer widths may be increased, decreased or averaged in accordance with the following provisions. In implementing alternative buffer widths, the director may require fourteen days for review and comment from appropriate federal, state or tribal natural resource agencies to ensure the use of best available science and relevant comments will be conditions of project approval. All comments shall be included in the public record along with the basis and rationale for requirement or approval of any such alternative buffer widths.
1. Buffer Width Increasing. Standard buffers may be increased upon a determination by the qualified wetland expert with confirmation from the Washington State Departments of Ecology and/or Fish and Wildlife that buffer width averaging is not adequate to protect the functions and values of the wetland and increased buffer widths are necessary to:
 - a. Maintain viable populations of existing species listed by the federal or state government as endangered, threatened or sensitive;
 - b. Maintain critical habitat for those species referenced in subsection (E)(1)(a) of this section;
 - c. Protect wetlands against severe erosion that standard erosion control measures will not effectively address; or
 - d. If the wetland contains variations in sensitivity, increasing the buffer widths will only be done where necessary to preserve the structure, function and value of the wetland.

2. Buffer Width Decreasing. Decreasing of standard buffer widths will be allowed pursuant to SWMC Section 17.65.150, provided, that in decreasing a standard buffer width, the functions and values of the wetland are not decreased.
 3. Buffer Width Averaging. Wetland buffers may be averaged, provided, that the total buffer area on the lot is not less than that required within the standard buffer, and that averaging will not reduce the wetland functional values. The city may require buffer width averaging in order to protect a particular portion of the wetland or buffer which is especially sensitive, or to incorporate existing significant vegetation or habitat areas into the buffer. Any reduction in buffer width as part of buffer width averaging shall not exceed twenty-five percent of the standard buffer width.
- F. Allowed Uses in Buffers. Low impact uses and activities which are consistent with the purpose and function of the habitat buffer and do not detract from its integrity may be permitted within the buffer depending on the sensitivity of the habitat involved, provided, that such activity shall not result in a decrease in wetland functional values and shall not prevent or inhibit the buffer's recovery to at least pre-altered condition or function. Examples of uses and activities which may be permitted in appropriate cases, as long as the activity does not retard the overall recovery of the buffer, include removal of noxious vegetation, pedestrian trails, revegetation of stormwater facilities, and viewing platforms. Pedestrian trails should consist of permeable surfaces, be not more than five feet in width, minimize wetlands crossings, be located in the outer twenty-five percent of a wetlands buffer, and be designed to minimize impact on a wetland. Buffer widths should be increased to compensate for the loss due to the width of the trail if the buffer is less than fifty feet in width.
- G. Establishment of Limits of Clearing. The location of the outer extent of the wetland buffer and the limits of the areas to be disturbed shall be marked in the field and be included as a condition of a development permit or approval. Such field markings may be field-approved by the director prior to the commencement of permitted activities. Markings shall be maintained throughout the duration of any construction activities.
- H. Exceptions to Mitigation Requirements. Requirements for mitigation do not apply under the following circumstances:
1. When a wetland alteration is intended exclusively for the enhancement or restoration of an existing regulated wetland and the proposal will not result in a loss of wetland function and value, subject to the following conditions:
 - a. The enhancement or restoration project shall not be associated with a development activity;
 - b. An enhancement or restoration plan shall be submitted for site plan review. The restoration or enhancement plan must include the information required under SWMC Section 17.65.220.
 2. When a wetland is a part of a development activity that is permitted by the Corp of Engineers NWP 14 permitting crossing of wetlands as part of road construction, provided, that the applicant shall comply with any compensatory mitigation required by the NWP 14.
- I. Compensatory Mitigation.
1. General Provisions.
 - a. In selection compensation actions, applicants should consider the following order of preference:
 - i. Restoring wetlands on upland sites which were formerly wetlands,

- ii. Creating wetlands on disturbed upland sites such as those with vegetative cover consisting primarily of exotic introduced species,
 - iii. Enhancing significantly degraded wetlands,
 - iv. Preserving high-quality wetlands which are under imminent threat,
 - v. In-lieu fees,
 - vi. Preservation of other habitat;
 - b. Compensatory mitigation shall be conducted on property which shall be protected and managed to avoid further loss or degradation. The applicant shall provide for long-term preservation of the compensation area;
 - c. Compensatory mitigation shall follow an approved compensatory mitigation plan pursuant to SWMC Section 17.65.230 and reflect the restoration/creation ratios specified in subsection (1)(2) of this section;
 - d. Enhancement of existing wetlands may be considered for compensation as further described in subsection (1)(2) of this section;
 - e. Compensation shall be completed prior to, concurrently with, or bonded to enable mitigation to occur after wetland loss, or, in the case of an enforcement action, prior to further development of the site.
2. On-Site Compensation. As a condition of any development permit or approval which results in on-site loss or degradation of regulated wetlands and/or wetland buffers, the director shall require of the applicant compensatory mitigation to offset impacts resulting from the actions of the applicant. On-site compensation is generally preferred over off-site compensation if practicable unless the applicant can demonstrate that off-site mitigation is ecologically preferable. When considering off-site mitigation, preference should be given to using alternative mitigation, such as a mitigation bank, an in-lieu-fee program, or advance mitigation.

Except under subsection H of this section, any person who alters or proposes to alter regulated wetlands shall restore or create areas of wetland in order to compensate for wetland losses. The following ratios in the table below apply to creation or restoration which is in-kind (i.e., the same type of wetland) on-site, and is accomplished prior to or concurrently with loss. The first number specifies the acreage of wetlands to be restored or created and the second specifies the acreage of wetlands lost:

Wetland On-Site Restoration/Creation Ratios:

Wetland Created: Wetland Area Lost

Category I	6:1
Category II	3:1
Category III	2:1
Category IV	1.5:1

These ratios apply to creation or restoration of a non-wetland area, which is, the same category as the impacted wetland, timed prior to or concurrent with the alteration, and has a high probability of success.

These ratios may be increased under the following circumstances:

- a. Uncertainty as to the probable success of the proposed restoration or creation;
- b. Significant period of time between impact and replication of wetland functions;
- c. Proposed mitigation will result in lower category wetland or reduced functions than the wetland being impacted; or
- d. The impact was an unauthorized impact.

These ratios may be decreased under the following circumstances:

- a. Documentation by a qualified wetland specialist demonstrates that the proposed mitigation actions have a very high likelihood of success;
- b. Documentation by a qualified wetlands specialist demonstrates that the proposed mitigation actions will provide significantly greater functions and values than the wetland being impacted; or
- c. The proposed mitigation actions are conducted in advance of the impact and are shown to be successful.

Wetlands Enhancement

Any applicant proposing to impact wetlands may propose to enhance existing significantly degraded wetlands in order to compensate for wetland losses. Applicants proposing to enhance wetlands must produce a report that identifies how enhancement will increase the functions of the degraded wetland and how this increase will adequately compensate for the loss of wetland area and function at the impact site. An enhancement proposal must also show whether existing wetland functions will be reduced by the enhancement actions.

At a minimum, enhancement acreage shall be four times the acreage required for creation or restoration unless it is demonstrated that the enhancement proposal would result in no loss of wetlands area or wetlands functions, in which case it may be reduced, but not below the acreage required for creation or restoration.

Wetland On-Site Enhancement Ratios:

Wetland Enhanced: Wetland Area Lost

Category I	24:1
Category II	12:1
Category III	8:1
Category IV	6:1

COMMENT ONLY - Table added to clearly show the required ratios. No change in ratios are suggested. Table based on existing information in the above paragraph – four times the acreage required for creation or

3. Off-Site Compensation. Off-site compensation allows replacement of wetlands away from the site on which the wetland has been impacted by a regulated activity. Off-site compensation will be conducted in accordance with the restoration/creation ratios described in subsection (I)(2) of this section and selecting compensation sites in subsection (I)(5) of this section. Off-site compensation should occur within the same drainage basin of the same watershed where the wetland loss occurs. In such instances,

the stormwater storage function provided by a wetlands must be provided for within the design of the development project. Off-site compensation can be allowed only under one or more of the following circumstances:

- a. On-site compensation is not feasible due to hydrology, soils, or other factors;
 - ~~b. On-site compensation is not feasible due to limited site constraints needed to meet density requirements, and the mitigation is for benefit of the Brickyard Creek-Brickyard Creek Subarea Plan;~~
 - ~~c. On-site compensation is not practical due to probable adverse impacts from surrounding land uses or would conflict with a federal, state or county public safety directive;~~
 - ~~d. Potential functional values at the site of the proposed restoration are greater than the lost wetland functional values;~~
 - ~~e. When the wetland to be altered is of a limited functional value and is degraded, compensation shall be of the wetland community types needed most in the location of compensation and those most likely to succeed with the highest functional value possible.~~
4. Out-of-kind compensation can be allowed when out-of-kind replacement will best meet the provisions of subsection (l)(1) of this section and the mitigation sequence outlined in this section.
5. Selecting Compensation Sites. General provisions.
- a. Except in the case of cooperative compensation projects in selecting compensation sites, applicants shall pursue locations in the following order of preference:
 - i. Filled, drained, or cleared sites which were formerly wetlands and where appropriate hydrology exists,
 - ii. Upland sites, adjacent to wetlands, if the upland is significantly disturbed and does not contain a mature forested or shrub community of native species, and where the appropriate natural hydrology exists,
 - iii. Within wildlife corridors;
 - b. Where out-of-kind replacement is accepted, greater restoration/creation ratios may be required.

J. Monitoring. Mitigation monitoring shall be required for a period necessary to establish that performance standards have been met, but not for a period less than five years. If a scrub-shrub or forested vegetation community is proposed, monitoring may be required for ten years or more. The project mitigation plan shall include monitoring elements that ensure certainty of success for the project's natural resource values and functions. If the mitigation goals are not obtained within the initial five-year period, the applicant remains responsible for restoration of the natural resource values and functions until the mitigation goals agreed to in the mitigation plan are achieved.

J.K. Timing. Construction of compensation projects shall be timed to reduce impacts to existing wildlife and plants. Construction shall be timed to assure that grading and soil movement occurs during the dry season and planting of vegetation shall be specifically timed to needs of the target species.

K.L. Alternative Compensation Projects. The director may encourage, facilitate and approve innovative wetland mitigation projects. Advance compensation or mitigation banking are examples of alternative compensation projects allowed under the provisions of this section wherein one or more applicant(s), or an organization with demonstrated capability, may

undertake a compensation project together if it is demonstrated that all of the following circumstances exist:

1. Creation of one or several larger wetlands may be preferable to many small wetlands;
2. The group demonstrates the organizational and fiscal capability to act cooperatively;
3. The group demonstrates that long-term management of the compensation area will be provided;
4. There is a clear potential for success of the proposed compensation at the identified compensation site;
5. Conducting compensation as part of a cooperative process does not reduce or eliminate the required replacement ratios outlined in subsection (1)(2) of this section. Exception: (a) where a compensatory mitigation plan including a five-year monitoring agreement is included as a condition of approval where woody vegetation is not a part of the replacement plan, such plan shall allow for one is to one resulting replacement ratios upon successful completion of the monitoring agreement; and (b) where a compensatory mitigation plan including a ten-year monitoring agreement is included as a condition of approval where woody vegetation is part of the replacement plan, such plan shall allow for one is to one resulting replacement ratios upon successful completion of the monitoring agreement. Provided further, no reduction of the required replacement ratios outlined in subsection (1)(2) of this section shall be allowed unless the applicant can demonstrate that there will be no loss of resulting wetlands function or area overtime. The applicant may be required to provide additional replacement area to allow for probably loss of area during the period of establishment;
6. Wetland mitigation banking programs consistent with the provisions outlined in the Department of Ecology's 2009 publication Selecting Wetland Mitigation Sites Using a Watershed Approach #92-12 (Wetland Mitigation Banking) and publication Guidance on Wetlands Mitigation in Washington - Parts 1 and 42, April 2004 ~~March 2006~~ or subsequent revisions will be considered ~~as a method of compensation for unavoidable, adverse wetland impacts associated with future development.~~ Wetland mitigation banks. Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the mitigation bank instrument. Use of credits from a wetland mitigation bank certified under Chapter 173-700 WAC is allowed if:
 - a. The approval authority determines that it would provide appropriate compensation for the proposed impacts;
 - b. The impact site is located in the service area of the bank;
 - c. The proposed use of credits is consistent with the terms and conditions of the certified mitigation bank instrument; and
 - d. Replacement ratios for projects using bank credits are consistent with replacement ratios specified in the certified mitigation bank instrument.

Article III. Aquifer Recharge Areas

17.65.300 Aquifer recharge areas.

- A. Intent. This section establishes areas determined to be critical in maintaining both groundwater quantity and quality. This section specifies regulatory requirements to be

enacted when development within these areas is proposed to occur and provides a methodology by which the level of review and any mitigation required is determined. The intent of this section is to:

1. Define minimum regulatory requirements to protect groundwater quality and quantity for existing and future use;
 2. Identify the practices, alternatives, or mitigations that can minimize the adverse impacts of proposed projects; and
 3. Insure adequate design, construction, management, and operations to protect groundwater quality and quantity.
- B. Existing and future beneficial uses of groundwater shall be maintained and protected and degradation of groundwater quality that would interfere with or become injurious to beneficial uses shall be avoided or minimized.
- C. Wherever ground waters are determined to be of a higher quality than the criteria established for such waters under this section, the existing water quality shall be protected, and contaminants that will reduce the existing quality thereof shall not be allowed to enter such waters, except in those instances where it can be demonstrated that:
1. An overriding consideration of the public interest will be served; and
 2. All contaminants proposed for entry into such groundwater(s) shall be provided with all known, available, and reasonable methods of prevention, control, and treatment prior to entry.
- D. It is the intent of this regulation to be consistent with and implement the requirements of RCW 90.48, RCW 90.54, WAC 173-200, WAC 173-201A, WAC 173-160, WAC 246-290, and WAC 246-291, as the same may hereafter be amended.

17.65.310 Aquifer recharge area designations.

Two categories are designated for aquifer recharge areas. These categories are designated to assist the director in determining the level of assessment necessary to evaluate specific land use proposals. The categories are based on the determination that certain areas require additional scrutiny of the potential impacts of a proposed land use with consideration given to hydrogeologic vulnerability. All designated areas are subject to change as data and information are updated or become available.

A. Designation Categories.

1. Category I areas are those so designated because of the need to provide them special protection due to a specific preexisting land use, or because they are identified by the local, state or federal government as areas in need of special aquifer protection where a proposed land use may pose a potential risk which increases aquifer vulnerability.

Category I includes areas served by groundwater which have been designated as a "Sole Source Aquifer Area" under the Federal Safe Drinking Water Act; areas identified within a "closed" or "low-flow" stream watershed designated by the Department of Ecology pursuant to RCW 90.22; areas identified by the Department of Ecology as sea water intrusion areas; and areas designated as "Wellhead Protection Areas" pursuant to WAC 246-290-135(4) and the groundwater contribution area in WAC 246-291-100(2)(e). Wellhead protection areas shall, for the purpose of this regulation, include the identified recharge areas associated with either Group

A public water supply wells, those Group B wells with a wellhead protection plan filed with the Skagit County Health Department, or plats served by five or more individual wells where the average lot size is equal to or less than two acres for which a well head protection plan has been completed and filed with the Skagit County Health Department. Category I areas are shown on the aquifer recharge area map.

2. Category II is designated as areas not identified as Category I areas.
3. When any portion of the proposed project area lies partly within a Category I area, the proposed project shall be subject to the level of scrutiny provided for Category I area.

17.65.320 Aquifer recharge applicability and prohibited activities.

- A. Applicability. All development projects are subject to the provisions of this section except for the following:
 1. Existing activities that currently and legally exist at the time this chapter became effective. However, expansions or changes in use are subject to this section and the review process contained in this chapter.
 2. Single-family residential building permits, including accessory building permits, which are outside Category I areas.
 3. Residential short plats outside Category I areas where each lot is two and one-half acres or greater.
 4. Single-family residential building permits where a site assessment report was required to be completed for the land division, in which case, to meet the conditions of this exemption, the applicant must comply with the recorded plat notes and the applicable mitigations contained in the site assessment report.
- B. Prohibited Activities. The following activities are prohibited in Category I areas due to the probability and/or potential magnitude of their adverse effects on groundwater:
 1. Landfill activities as defined in WAC 173-304 and WAC 173-351;
 2. Class V injection wells, including:
 - a. Agricultural drainage wells,
 - b. Untreated sewage waste disposal wells,
 - c. Cesspools,
 - d. Industrial process water and disposal wells, and
 - e. Radioactive waste disposal;
 3. Radioactive disposal sites.

17.65.330 Aquifer recharge initial project review.

- A. General Procedures. Applicants for all development projects not allowed under SWMC Section 17.65.100 or 17.65.320 shall be required, through a site assessment report prepared pursuant to SWMC Section 17.65.340, to evaluate potential impacts to aquifer recharge areas, and appropriate mitigation measures to reduce or eliminate the potential for adversely impacting aquifer recharge areas shall be identified. The level of study and report detail required will be determined by the director based on the type of land use being proposed, the designated aquifer recharge area category, and the vulnerability of the underlying aquifer(s) to contamination. The goal of this section is to require applicants to identify and characterize vulnerability only to the level necessary to determine appropriate

mitigation measures necessary, to either reduce potential adverse impacts to established parameters or eliminate potential adverse impacts to underlying aquifer(s).

- B. Scoping. The level of study which will be required of the applicant by the director for a given development will be based on an initial project review that may include staff from the planning and health departments, and a hydrogeologist.

Elements for the report that are required at a minimum and other elements that may be required as part of the scope for the study are listed in SWMC Section 17.65.340. Subsequent findings from the study or other information made available after the initial project review may obligate the applicant to additional evaluation, development of a mitigation plan, and/or development of a groundwater monitoring plan. The following outlines the review process:

1. The director and health officer shall review the project and determine the required scope of the site assessment report. The scope of site assessment required shall be conveyed to the applicant and/or his or her representative in writing. The applicant may present evidence to the director and health officer to justify reduction in the scope for the site assessment report.
2. The site assessment report shall be submitted for review. The director and/or health officer shall either approve the site assessment report as submitted, require additional evaluation, or require development of a mitigation plan. If additional information is required beyond the initial site assessment report, the applicant and/or his or her representative shall be notified in writing of the specifics of the information required. The applicant may present evidence in writing to the reviewing official to justify modification of the requirement for additional information or present alternative or additional mitigation measures in lieu of further study.
3. When, to the satisfaction of the director, all information is provided and mitigation(s) established as being in compliance with this section, the director shall make appropriate recommendations for project permit approval.

17.65.340 Aquifer recharge site assessment report.

- A. The scope of the site assessment report shall be determined based on the initial project review specified in SWMC Section 17.65.330. The scope of the report may be reduced by utilizing appropriate mitigation measures, or if the water quality or quantity issue(s) are already known.
- B. The site assessment report shall be prepared by, or under the direction of, and signed by a professional engineer, licensed in the state of Washington, trained and qualified to analyze geologic, hydrologic, and groundwater flow systems; or by a geologist or hydrogeologist who earns his or her livelihood from the field of geology and/or hydrogeology and has received a degree in geological sciences from an accredited four-year institution of higher education and who has relevant training and experience analyzing geologic, hydrologic, and groundwater flow systems.
- C. Site Assessment Report Requirements. A site plan shall be prepared in accordance with the requirements of this code. In addition, a site assessment report shall include:
 1. A description of the project including those activities, practices, materials, or chemicals that have a potential to adversely affect the quantity or quality of underlying aquifer(s);

2. Identification of appropriate mitigation measures and description of how they will prevent degradation of underlying aquifer(s);
 3. A site plan or another appropriately scaled map showing the approximate location of known or geologically representative well(s) (abandoned and active), spring(s), and surface watercourses within one thousand feet of the subject project property. All well logs available through the health department for identified wells within one thousand feet of the project property shall be included;
 4. A description of the site-specific hydrogeologic characteristics regarding impact to the quantity or quality of underlying aquifer(s). At a minimum this will include a description of the lithology, depth to and static water level of known underlying aquifer(s), and depiction of groundwater flow direction and patterns on the appropriate map;
 5. Identification of the initial receptors of potential adverse impacts located hydraulically downgradient from the project within one thousand feet or as otherwise directed by the director and/or health officer.
- D. Additional Site Assessment Elements. After the initial project review, one or more of the site assessment elements listed below may be required based upon the proposed project activity, aquifer recharge area classification, complexity of underlying hydrogeologic conditions, and/or the perceived potential to adversely impact hydraulically downgradient receptors. One or more of these additional elements may also be required if the applicant chooses to demonstrate that certain mitigation measures are not necessary to protect the quantity or quality of the underlying aquifer(s), or that the project does not pose a detrimental risk to hydraulically downgradient receptors:
1. Lithologic characteristics and stratigraphic relationships of the affected aquifer(s) and overlying geologic units (includes soil types) including thickness, horizontal and vertical extent, permeability, and infiltration rates of surface soils;
 2. Delineation of identified structural features such as faults, fractures, and fissures;
 3. Aquifer characteristics including determination of recharge and discharge areas, transmissivity, storage, hydraulic conductivity, porosity, and estimate of groundwater flow direction, velocity and patterns for the affected aquifer(s);
 4. Estimate of precipitation, evaporation, and evapotranspiration rates for the project area;
 5. Preparation of appropriate hydrogeologic cross sections depicting at a minimum underlying lithology and stratigraphy, aquifer(s), and potential or probable contaminant pathways from a chemical release;
 6. Contaminant fate and transport including probable migration pathways and travel time of potential contaminant release(s) from the site through the unsaturated zone to the aquifer(s) and through the aquifer(s), and how the contaminant(s) may be attenuated within the unsaturated zone and the aquifer(s). Includes consideration of advection, dispersion, and diffusion of contaminants in the groundwater;
 7. Delineation of areas potentially affected by contaminant migration on the ground surface and/or through the affected aquifer(s);
 8. Determination of background or existing groundwater quality underlying the project area;
 9. Development of a groundwater monitoring program to measure potential impacts of the development to underlying aquifer(s);
 10. Development of a spill plan and/or contingency plan describing the specific actions, which will be taken if a release of a contaminant(s) occurs, or if groundwater monitoring results indicate a contaminant(s) from the site has entered the underlying aquifer(s);

11. The degree of continuity between groundwater and nearby surface water including potential impact to "closed" or "low-flow" streams (as described in SWMC Section 17.65.350) from proposed groundwater withdrawals, and potential impacts to surface water quality from site runoff or contaminated groundwater discharge;
12. In conjunction with the Department of Ecology Seawater Intrusion Policy and subsequent policies or ordinances, applicable projects shall be required to determine appropriate pumping rates and schedules that maintain dynamic drawdown levels above mean sea level;
13. Applicable projects such as special use permits, short plats, or long plats shall test existing and/or test wells for nitrate levels and where appropriate calculate the nitrate loading rate at full build-out of the project. If the calculated nitrate loading in the intended water supply equals or exceeds five mg/L nitrate as nitrogen, the proposal will need to develop a mitigation plan. The point of compliance shall be determined based on project specifics.

17.65.350 Aquifer recharge area mitigation.

The health department shall review development proposals to assess aquifer(s) vulnerability and establish needed mitigation. Where determined to be necessary through the site assessment process, development approvals shall include conditions designed to prevent significant degradation of water quality or reduction in water quantity in aquifer recharge areas. The project shall not cause degradation of the groundwater quality below the standards described in WAC 173-200 or Department of Ecology's seawater intrusion policy.

Wellhead Protection Mitigation. Where a wellhead protection plan that addresses the project area exists, the director and/or health officer shall use the recommendations contained in the wellhead protection plan as a basis for formulating mitigations. In the absence of such a mitigation plan, the health department and Public Utility District #1 shall jointly develop mitigations, a summary of which shall be signed by the applicant and recorded with the applicant's property title. All new development shall be required to connect to the Public Utility District #1 Water System.

17.65.360 Aquifer recharge public notice and review.

In addition to the provisions for public notice provided under SWMC Section 17.65.070, the director shall make the site assessment report available for public review upon approval of the following projects which have undergone critical areas review pursuant to this chapter:

- A. All projects occurring in Category I areas, except single-family residence or accessory building permits, and short subdivisions;
- B. All activities identified under SWMC Section 17.65.320(B), regardless of location; and
- C. Commercial or industrial projects or subdivisions that have the potential to adversely affect the quality or availability of potable water.

17.65.400 Geologically hazardous area designations.

Geologically hazardous areas include erosion hazards, landslide hazards, mine hazards, volcanic hazards and seismic hazards, and shall be designated consistent with the definitions provided in WAC 365-190-080(4).

Geologically hazardous areas shall be classified as “known or suspected risk,” or “unknown risk.”

17.65.410 Geologically hazardous area initial project review.

A site visit shall be conducted by the director to determine whether: (1) “Areas of Known or Suspected Risk” identified below are or may be present within two hundred feet of the project or activity; (2) the proposed project or activity is or may be within a distance from the base of an adjacent landslide hazard area equal to the vertical relief of such hazard area; (3) the proposed activity may result in or contribute to an increase in hazard; and (4) whether the project or hazard areas pose a risk to life, property, or other critical areas on or off the project area sufficient to require a site assessment. Areas of known or suspected risk:

A. Erosion Hazard Indicators.

1. Those project areas located within two hundred feet of map unit delineations #51 Dystic Xerorthents, #99 Mundt and #117 Saxon or mapped as moderate to severe, severe or very severe erosion hazard or as having severe rill and inter-rill erosion hazard as identified in the U.S. Department of Agriculture Natural Resources Conservation Service Soil Survey of Skagit County Area, Washington (1989).
2. Those project areas that fall within any soil sloping greater than or equal to thirty percent.
3. The project area falls within areas designated in the Department of Ecology, Coastal Zone Atlas, Washington, Volume Two Skagit County (1978) as U (Unstable), UB (Unstable Bluff), URS (Unstable Recent Slide), or UOS (Unstable Old Slide).
4. Those project areas that may be considered to have an erosion hazard as a result of rapid stream incision or stream bank erosion.

B. Landslide Hazards Indicators.

1. The project area falls within or two hundred feet from areas designated in the Department of Ecology, Coastal Zone Atlas, Washington, Volume Two, Skagit County (1978) as U (Unstable), UB (Unstable Bluff), URS (Unstable Recent Slide), or UOS (Unstable Old Slide).
2. The project area falls within or two hundred feet from slopes having the following characteristics: Gradients of fifteen percent or greater intersecting geologic contacts with permeable sediments overlying low permeability sediment or bedrock and springs or groundwater seepage are present.
3. The project area falls within or two hundred feet from any area having a forty percent slope or steeper and with a vertical relief of ten feet or more.
4. The project area falls within or two hundred feet from any areas of historic failure such as areas designated as quaternary earth slumps, earthflows, mudflows, lahars, debris flows, rock slides, landslides or other slope failures on maps or technical reports published by the U.S. Geological Survey such as topographic or geologic maps, or the Geology and Earth Resources Division of the Washington Department of Natural Resources, or other documents authorized by government agencies.

5. The project area falls within or two hundred feet from any areas potentially unstable as a result of rapid stream incision, stream bank erosion, and undercutting by wave action shall be addressed as a flood hazard consistent with this chapter.
 6. Areas that have shown movement during the Holocene epoch or which are underlain or covered by wastage debris of that epoch.
 7. The project area falls within or two hundred feet from any slopes that are parallel or sub-parallel to planes of weakness (such as bedding planes, joint systems, and fault planes) in subsurface materials.
 8. The project area falls within or two hundred feet from any slopes with a gradient greater than eighty percent and subject to rock fall during seismic shaking.
 9. The project area falls within or two hundred feet from any areas that show evidence of or are at risk from snow avalanches.
- C. Seismic Hazards. Seismic hazard areas shall include areas that are subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement, soil liquefaction or surface faulting.
1. The project includes structures (as defined in the Uniform Building Code) proposed to be located in any of the areas described in subsection A or B of this section or located in areas to have a potential for soil liquefaction and soil strength loss during ground shaking as identified on the U.S. Geologic Survey Relative Slope Stability Map of the Port Townsend Quadrangle, Puget Sound Region, Washington, (1985), or as identified in the field. A geologic hazard site assessment is not required for soil liquefaction and soil strength loss resulting from seismic activity unless other criteria provided in this section apply. The building official shall require evaluation using the provisions set forth in the adopted building code.
 2. The structures or critical facilities are proposed to be located on a Holocene fault line. (No critical facilities shall be located on a Holocene fault line as indicated on investigative maps or described in studies by the U.S. Geologic Survey, Geology and Earth Resources Division of the Washington Department of Natural Resources, or other documents authorized by government agencies, or as identified in the field). All developments on a Holocene fault line shall require a disclosure statement indicating the property is located on an active fault and may be geologically hazardous.
- D. Volcanic Hazards. The project area is located in a volcanic hazard zone for Glacier Peak, Washington (Open-File Report 95-499); or in a volcanic hazard area of Mount Baker, Washington (Open-File Report 95-498). A site assessment is not required for volcanic hazard areas unless other criteria provided in this section apply.
- E. Other Geologic Hazard Indicators.
1. The project area falls within or two hundred feet from an alluvial fan as designated on the Skagit County Alluvial Fan Study Orthophoto Maps;
 2. The project area falls within or two hundred feet from a mine hazard area as designated on the Department of Natural Resources Map: Coal Measures of Skagit County, (1924) or within two hundred feet of any other current or historic mine operations determined to

be geologic hazards as described by the title and purpose of the critical areas ordinance Section 17.65.020(C)(5), geologically hazardous areas of this chapter;

3. Areas of Unknown Geologic Hazards. As part of any development application where no current information is available to confirm that the items identified in this section are present on the project area, the critical areas review required by SWMC Section 17.65.060 will provide a description of the known and visible site features and be used by the director in evaluating whether a geologically hazardous area site assessment is required pursuant to this section.

17.65.420 Geologically hazardous area site assessment requirements.

- A. Site Visit Determination. The director shall make a determination using the following progressive order:
 1. No Site Assessment. Where the director determines that the project or activity area has no potential for impacting adjacent ownership and property, other types of critical areas, public property (such as roads and other facilities) or living quarters of any kind, including any existing or proposed off-site, the director shall not require additional site assessments prior to approval under the provisions of this chapter.
 2. Site Assessment Required. If the director determines during the site visit described in SWMC Section 17.65.410 that the proposed development activity falls within two hundred feet of an "Area of Known or Suspected Risk" and the geologic condition may pose a risk to life and property on or off the project area, then a geologically hazardous area site assessment of the project area by a qualified professional as described in subsection (B)(2) of this section shall be required as part of the complete development permit application.
- B. Geologically Hazardous Area Site Assessment. When required by the director, a site assessment report shall be prepared by a qualified professional. Portions of the report relating to recommended design or mitigation shall be prepared under supervision of a licensed professional engineer. A qualified professional shall mean an engineer, licensed in the state of Washington, with training and experience analyzing geologic, hydrologic, and groundwater flow systems in Washington State; or by a geologist who earns his or her livelihood from the field of geology and/or geotechnical analysis, with training and experience analyzing geologic, hydrologic and groundwater flow systems in Washington State, who has received a relevant degree from an accredited four-year institution of higher education.

The geologically hazardous area site assessment report shall classify the type of hazard in accordance with SWMC Sections 17.65.400 and 17.65.410. The site assessment report shall include the following as appropriate:

1. A site plan must be prepared in accordance with the development permit requirements. The site plan shall depict the height of slope, slope gradient and cross section of the site. The site plan shall indicate the location of all existing structures, proposed structures and any significant known geologic features on the subject site. The site plan shall also include the location of springs, seeps, or other surface expressions of groundwater. The site plan shall also depict any evidence of surface or stormwater runoff;

2. A detailed description of the project, its relationship to potential geologic hazard(s), and its potential impact upon the hazard area(s), the subject property and adjacent properties. The description shall make a determination if a geologically hazardous area(s), as described in SWMC Section 17.65.020(C)(5), is present on the subject site. The narrative shall include a full discussion of the geologic factors and conditions on the subject site resulting in the qualified professionals conclusions;
 3. An assessment of the geologic characteristics and engineering properties of the soils, sediments, and/or rock of the subject property and potentially affected adjacent properties. Soils analysis shall be accomplished in accordance with the Unified Soil Classification System;
 4. A description of load intensity including surface and groundwater conditions, public and private sewage disposal systems, fills and excavations and all structural development;
 5. An assessment describing the extent and type of vegetative cover to include tree attitude;
 6. For Potential Landslide Hazards. Estimate slope stability and the effect construction and placement of structures will have on the slope over the estimated life of the structure. Quantitative analysis of slope stability or slope stability modeling may be required by the director;
 7. Additional site assessment standards may be required by the director.
- C. Site Assessment Conclusions.
1. Where the qualified professional determines that a geologically hazardous condition is not present on the subject site and/or will not occur as a result of the proposed project, will have no potential for impacting adjacent ownership and property, other types of critical areas, public property (such as roads and other facilities) or living quarters of any kind, including any existing or proposed off-site, the director shall not require additional site assessments prior to approval under the provisions of this chapter. The qualified professional shall be required to certify that a geologic hazard is not present on the subject parcel as described in SWMC Section 17.65.020(C)(5).
 2. Properties identified by the director and the qualified professional containing geologically hazardous conditions shall require a geologically hazardous area mitigation plan. Critical facilities as defined under SWMC Chapter 14.04 shall not be sited within designated geologically hazardous areas (Exception: volcanic hazard areas). No residential structures shall be located in geologically hazardous areas or their buffers that cannot be fully mitigated.

17.65.430 Geologically hazardous area mitigation standards.

The mitigation plan shall be prepared by a professional engineer or geologist under supervision of a professional engineer and include a discussion on how the project has been designed to avoid and minimize the impacts discussed under Section 17.65.420(B)(2) of this chapter. The plan shall also make a recommendation for the minimum building setback from any bluff or slope edge and/or other geologic hazard shall be based upon the geotechnical analysis under Sections 17.65.420(B)(2) and (B)(3) of this chapter required. Mitigation plans shall include the location and methods of drainage, locations and methods of erosion control, a vegetation management and/or restoration plan and/or other means for maintaining long-term stability of geologic hazards. The plan shall also address the potential impact of mitigation on the hazard

area, the subject property and affected adjacent properties. The mitigation plan must be approved by the director and be implemented as a condition of project approval.

Within designated geologic hazards, mitigation plans shall address the appropriate items listed below as required by the site assessment. One or more of the following mitigation standards, as required by the director, shall be included as components of a mitigation plan pursuant to the requirements of SWMC Section 17.65.420, (site assessment report). Other mitigation standards, other than those listed below, may be required by the director depending on the geologic hazard and the site conditions.

A. Mitigation Standards.

1. A temporary erosion and sedimentation control plan prepared in accordance with the requirements of SWMC Title 15, Buildings and Construction as amended.
2. A drainage plan for the collection, transport, treatment, discharge and/or recycle of water in accordance with the requirements of SWMC Title 15, Buildings and Construction as amended.
3. All proposals involving excavations and placement of fills shall be subject to structural review under the appropriate provisions as found in the Uniform Building Code.
4. Critical facilities shall not be sited within designated geologically hazardous areas. (Exception: volcanic hazard areas).
5. Surface drainage shall not be directed across the face of a landslide hazard (including ravines). If drainage must be discharged from the hazard area into adjacent waters, it shall be collected above the hazard and directed to the water by tight line drain and provided with an energy dissipating device at the point of discharge.
6. All infiltration systems such as, stormwater detention and retention facilities, and curtain drains utilizing buried pipe or French drain, are prohibited in geologically hazardous areas and their buffers unless a site assessment report indicates such facilities or systems will not affect slope stability and the systems are designed by a licensed civil engineer. The engineer shall also certify that the system and/or facilities are installed as designed.
7. Vegetation Removal and Replanting. Removal of vegetation in landslide hazard, erosion hazard and coastal bluff hazard areas shall be minimized. Any replanting that occurs shall consist of trees, shrubs, and ground cover that is compatible with the existing surrounding vegetation, meets the objectives of erosion prevention and site stabilization, and does not require permanent irrigation for long-term survival.
8. A minimum buffer with a width of thirty feet shall be established from the top, toe and all edges of all landslide hazardous areas. Existing native vegetation shall be maintained in accordance with mitigation recommendations within the buffer area. Any modifications to the buffer requirement shall be based on the report and recommendations of the professional geologist under supervision of a licensed professional engineer. The buffer may be reduced to a minimum of ten feet when, supported by a geotechnical report, and the applicant demonstrates to the director that the reduction will adequately protect the proposed development, adjacent developments and uses and the subject critical area. The buffer may be increased by the director for development adjacent to a ravine which is designated as unstable on the Coastal Zone Atlas, Washington, Volume Two Skagit County (1978) or where the director determines a larger buffer is necessary to prevent

risk of damage to proposed and existing development (as in the case where the area potentially impacted by a landslide exceeds thirty feet). Normal nondestructive pruning and trimming of vegetation for maintenance purposes; or thinning of limbs of individual trees to provide a view corridor, shall not be subject to these buffer requirements.

9. Seismic Hazard Areas. Structural development proposals shall meet all applicable provisions of the Uniform Building Code.

The director shall evaluate documentation submitted pursuant to SWMC Section 17.65.420(B)(2) (site assessment report) and condition permit approvals to minimize the risk on both the subject property and affected adjacent properties. All conditions on approvals shall be based on known, available, and reasonable methods of prevention, control and treatment. Evaluation of geotechnical reports may also constitute grounds for denial of the proposal.

- B. Alterations of the buffer and/or geologically hazardous area. Alterations of the buffer and/or geologically hazardous area may occur for development meeting the following criteria:
 1. No reasonable alternative exists; and
 2. A site assessment report is submitted and certifies that:
 - a. There is a minimal hazard as proven by evidence of no landslide activity in the past in the vicinity of the proposed development and a qualitative analysis of slope stability indicates no significant risk to the development proposal and adjacent properties; or the geologically hazardous area can be modified or the development proposal can be designed so that the hazard is eliminated or mitigated so that the site is as safe as a site without a geologically hazardous area,
 - b. The development will not significantly increase surface water discharge or sedimentation to adjacent properties beyond predevelopment conditions,
 - c. The development will not decrease slope stability on adjacent properties, and
 - d. Such alterations will not adversely impact other critical areas.
- C. Noncompliance and Failed Mitigation Plans.
 1. Projects found to be in noncompliance with the mitigation conditions issued as part of the development approval are subject to enforcement actions necessary to bring the development into compliance with this chapter.
 2. Mitigation plans which do not fulfill the performance required based on the site assessment/geotechnical report findings or otherwise fail to meet the intent of this chapter shall be revised and the subject development brought into compliance with the revised mitigation plan.
 3. Mitigation Plan Certification. Upon completion of the project, a qualified professional shall certify that the mitigation plan has been properly implemented. The certification shall be required prior to final approval of the project by the director.

17.65.440 Geologically hazardous area public review and record.

In addition to the provisions for public notice provided under SWMC Section 17.65.065, the director shall provide official notice of decision and make the site assessment report available for public review upon approval of any project requiring a geologically hazardous area site assessment pursuant to SWMC Section 17.65.420(B)(2) and shall maintain a public record of all materials pertinent to approval decisions.

Article V. Fish and Wildlife Habitat Conservation Areas

17.65.500 Fish and wildlife habitat conservation area designations.

- A. Fish and wildlife habitat conservation areas (HCA) shall be designated and classified as provided for in the definition section of this chapter. The map and species references indicated are intended to serve only as a guide during development review. A site assessment completed by a qualified professional shall be completed to confirm actual conditions.
- B. In addition to the HCAs identified in SWMC Section 17.65.020(C)(I), additional species and habitats of local importance may be designated by the director based on declining populations, sensitivity to habitat manipulation or special value including, but not limited to, commercial, game or public appeal.
- C. In order to nominate an area or a species to the category of habitats and species of local importance, an individual or organization must:
 - 1. Demonstrate a need for special consideration based on:
 - a. Declining population,
 - b. Sensitivity to habitat manipulation, or
 - c. Commercial or game value or other special value, such as public appeal;
 - 2. Propose relevant management strategies considered effective and within the scope of this chapter;
 - 3. Provide species habitat location(s) on a map (scale 1:24,000). Submitted proposals will be reviewed by the director and may be forwarded to the Departments of Fish and Wildlife, Natural Resources, and/or other county and state agencies or experts for comments and recommendations regarding accuracy of data and effectiveness of proposed management strategies. A public hearing may be held for proposals found to be complete, accurate, potentially effective and within the scope of this chapter. Approved nominations will become designated "Habitats/Species of Local Importance" and will be subject to the provisions of this chapter.
- D. The following species and habitats have been designated on a site-specific basis according to the official species and habitats of local significance map:
 - 1. Great Blue Heron nest sites;
 - 2. Vauxs Swifts Communal Roosts;
 - 3. Pileated Woodpecker nest sites;
 - 4. Osprey nest sites;
 - 5. Townsend Big-eared Bat Communal Roosts;
 - 6. Cavity Nesting Ducks breeding areas;
 - 7. Trumpeter Swan concentrations;
 - 8. Harlequin Duck breeding areas;
 - 9. Waterfowl concentrations.

17.65.510 Fish and wildlife habitat conservation areas initial project review.

- A. A site visit shall be conducted by the director to determine whether HCAs identified on a critical area checklist or on available map resources or whether HCAs not previously identified are present within two hundred feet of the project or activity site.

- B. Habitat conservation areas are designated by definition in SWMC Section 17.65.020(C)(3) and are referenced as follows:
 - 1. An area with which anadromous fish, endangered, threatened or sensitive species have a primary association and/or their habitat such as those designated and mapped by the Washington State Department of Fish and Wildlife, Priority Habitats and Species Program;
 - 2. A water of the state as defined under WAC 222-16-030;
 - 3. A critical biological area as designated and mapped by the Department of Ecology Coastal Zone Atlas dated June 1978 and/or the maps;
 - 4. Designated species and habitats of local importance pursuant to SWMC Section 17.65.500;
 - 5. Naturally occurring ponds under twenty acres and their submerged aquatic beds that provide fish or wildlife habitat;
 - 6. Lakes, ponds, streams, and rivers planted with game fish by a government or tribal entity;
 - 7. Areas with which anadromous fish species have a primary association; and
 - 8. State natural area preserves and natural resource conservation areas.
- C. If the director determines through the site visit described in subsection (B)(1) of this section that a fish and wildlife habitat conservation area (HCA) may be present within two hundred feet of the proposed project or activity area, then a site assessment/habitat management plan as described in SWMC Section 17.65.520, shall be required as part of the complete application.

17.65.520 Fish and wildlife habitat conservation area site assessment requirements.

Site assessment/habitat management plans shall be prepared by a qualified fish and wildlife biologist with experience assessing the relevant species and habitats and include at a minimum, the following requirements:

- A. Site plan prepared in accordance with the permit requirements indicating all fish and wildlife habitat conservation areas falling within two hundred feet of the subject property. This site plan may be prepared by the applicant subject to review by the qualified fish and wildlife biologist;
- B. Project narrative describing the proposal including, but not limited to, associated grading and filling, structures, utilities, adjacent land uses, description of vegetation both within and adjacent to the habitat conservation area, and when deemed necessary by the administrative officer, surface and subsurface hydrologic analysis;
- C. Impact analysis identifying and documenting the presence of all habitat conservation areas and discussing the project's effects on the fish and wildlife habitat conservation areas;
- D. Regulatory analysis including a discussion of any federal, state, tribal, and/or local requirements or special management recommendations which have been developed for species and/or habitats located on the site;
- E. Mitigation report including a discussion of proposed measures of mitigating adverse impacts of the project and an evaluation of their potential effectiveness. Measures may include, but are not limited to, establishment of buffer zones, preservation of critically important plants, and trees, limitation of access to habitat areas, seasonal restrictions of construction activities, establishment of a timetable for periodic review of the plan and/or establishment of performance or maintenance bonds;

- F. Management and maintenance practices including a discussion of ongoing maintenance practices that will assure protection of all fish and wildlife habitat conservation areas on-site after the project has been completed. This section should include a discussion of proposed monitoring criteria, methods and schedule;
- G. Approval of any activity that can adversely affect fish and wildlife habitat conservation areas shall conform to the requirements set forth in SWMC Section 17.65.170(A).

17.65.530 Fish and wildlife habitat conservation area mitigation standards.

Fish and wildlife habitat conservation areas shall be protected in accordance with local determination of appropriate conditions considering the site-specific recommendations from agencies with jurisdictions over the specific area, which may include, but not be limited to, the Washington State Department of Fish and Wildlife, Department of Ecology, federally recognized Indian Tribes located within Skagit County, WDFW Management Recommendations for Washington Priority Habitats and Species, and site-specific information supplied by the applicant.

Development proposals shall be reviewed for potential impacts to fish and wildlife habitat conservation areas. The determination of potential impacts shall be dictated by site conditions and made by the director. The director may consult with the Washington State Departments of Ecology, Fish and Wildlife and Natural Resources and federally recognized Indian Tribes located in Skagit County to determine potential impacts a proposed project may have on a fish and wildlife habitat. If it is determined that a proposed project may have an adverse effect on a fish and wildlife habitat conservation area, the applicant shall implement a habitat management plan including mitigation measures in conformity with the performance standards outlined below:

- A. Riparian Performance Standards. Riparian buffer areas shall be established from the ordinary high water mark. The intent of riparian buffers is to protect five basic riparian forest functions that influence in-stream and near-stream habitat quality. These are:
 1. Recruitment of Large Woody Debris (LWD) to the Stream. LWD recruitment creates habitat structures necessary to maintain salmon/trout productive capacity and species diversity.
 2. Shade. Shading by the forest canopy maintains cooler water temperatures and influences the availability of oxygen for salmon/trout.
 3. Bank Integrity (Root Reinforcement). Bank integrity helps maintain habitat quality and water quality by reducing bank erosion and creating habitat structure and instream hiding cover for salmon and trout.
 4. Runoff Filtration. Filtration of nutrients and sediments in runoff (surface and shallow subsurface flows) helps maintain water quality.
 5. Wildlife Habitat. Functional wildlife habitat for riparian-dependent species is based on sufficient amounts of riparian vegetation to provide protection for nesting and feeding.
- B. Standard Riparian Buffers. Riparian areas have the following standard buffer requirements (Note: riparian areas do not extend beyond the toe of the slope on the landward side of existing dikes or levees unless specifically exempt from federal vegetation management

requirements. See also SWMC Section 17.65.100 for list of activities allowed within critical areas, including riparian areas.):

Water Type Riparian Buffer

Type 1 and 2	200 feet
Type 3	110 feet
Type 4 and 5	50 feet

Once buffers are established, they shall not be altered except as allowed below. Riparian buffers not currently meeting the minimum standards shall be restored; provided, that such restoration does not conflict with other provisions of this chapter. In implementing buffer widths other than the standard riparian buffers identified above, the director may provide opportunity for review and comment from appropriate federal, state or tribal natural resource agencies to ensure the use of best available science. These comments shall be included in the public record along with the basis and rationale for requirement or approval of any such nonstandard buffers.

1. Increasing Buffer Widths. The director has the authority to increase the standard buffer widths on a case-by-case basis, or to establish nonriparian buffer widths, when such buffers are necessary to protect priority fish or wildlife (e.g., great blue heron nesting colonies, osprey or cavity nesting ducks) using the HCA. This determination shall be supported by appropriate documentation from the Departments of Ecology and Fish and Wildlife, showing that the increased buffer width is reasonably related to the protection of the fish and/or wildlife using the HCA.
2. Decreasing Buffer Widths. Decreasing standard buffers will be allowed pursuant to SWMC Section 17.65.150 only if the applicant demonstrates that all of the following criteria are met:
 - a. A decrease is necessary to accomplish the purposes of the proposal and no reasonable alternative is available;
 - b. Decreasing width will not adversely affect the fish and wildlife habitat functions and values;
 - c. If a portion of a buffer is to be reduced, the remaining buffer area will be enhanced, using native vegetation, artificial habitat features, vegetative screening and/or barrier fencing as appropriate to improve the functional attributes of the buffer and to provide equivalent or better protection for fish and wildlife habitat functions and values;
 - d. The buffer width shall not be reduced below fifty percent of the standard buffer width unless the director determines that no other reasonable alternative exists and that no net loss of HCA riparian functional values will result, based on a functional assessment provided by the applicant utilizing a methodology approved by the director.

C. Allowed Uses in HCAs or Buffers.

1. Docks. Docks designed to facilitate low-impact uses, such as education and/or private, noncommercial recreation may be permitted within fish and wildlife HCAs under the following conditions:
 - a. The activity will have minimum adverse impact to the fish and wildlife habitat conservation area;
 - b. The activity will not significantly degrade surface or groundwater;
 - c. The intrusion into the fish and wildlife habitat conservation area and its buffers is mitigated; and
 - d. The director may provide opportunity for review and comment by a federal, state and tribal natural resource agencies.
2. Limited park or recreational access to a fish and wildlife habitat area or its required buffer, provided, that all of the following are satisfied:
 - a. The access is part of a public park or a recreational resort development that is dependent on the access for its location and recreational function;
 - b. The access is limited to the minimum necessary to accomplish the recreational function;
The access and the balance of the development is consistent with other requirements of the Sedro-Woolley Municipal Code and the Skagit County Shoreline Management Master Program; and
 - c. The proponent obtains a written approval from the city council for the limited access and associated mitigation.
3. Low impact uses and activities which are consistent with the purpose and function of the habitat buffer and do not detract from its integrity may be permitted within the buffer depending on the sensitivity of the habitat involved, provided, that such activity shall not result in a decrease in riparian functional values and shall not prevent or inhibit the buffer's recovery to at least pre-altered condition or function. Examples of uses and activities which may be permitted in appropriate cases, as long as the activity does not retard the overall recovery of the buffer, include removal of noxious vegetation, pedestrian trails, viewing platforms, and stormwater management facilities such as grass-lined swales and wet ponds or stormwater wetlands.
4. In the riparian buffer, removal of hazardous, diseased or dead trees and vegetation when necessary to control fire, or to halt the spread of disease or damaging insects consistent with the State Forest Practices Act, RCW 76.09, or when the removal is necessary to avoid a hazard such as landslides or pose a threat to existing structures may be permitted with prior written approval. Any removed tree or vegetation shall be replaced with appropriate species. Replacement shall be performed consistent with accepted restoration standards for riparian areas within one calendar year. The director may approve alternative tree species to promote fish and wildlife habitat.

Prior to commencement of tree or vegetation removal and/or replacement, the landowner must obtain written approval from the director.

5. To allow for greater flexibility in a development proposal, an applicant has the opportunity to remove timber within the standard buffer widths shown above if the applicant's mitigation measures incorporate all of the performance standards based upon water type listed in the table below. In conformance with professional standards used by the Washington Department of Natural Resources for forest practices in

sensitive areas, all removal of timber within HCA buffers shall be subject to conditioning specified by the director and may be made in conjunction with an on-site review in which participation by representatives of the proponent, Ecology, WDFW, WDNR and natural resource representatives of affected Indian Tribes is solicited.

The intent of this section is to provide an additional opportunity for an applicant to propose some level of timber removal within the riparian habitat zone as long as it can be demonstrated that the function of the buffer can be maintained at the levels described below. If the buffer, in its current state, cannot meet these standards, then the director will not be able to give its approval for any activity which would inhibit recovery of or degrade the current buffer.

The current performance of a given buffer area is compared to its potential performance as rated by the Soil Conservation Service, Soil Survey of Skagit County, 1989. In consultation with a representative from the natural resource conservation service, soil conservation district or professional forester, the applicant will determine the capability of the site for woodland management using the most suitable tree species according to the soil survey and establish the stand characteristics that would be expected from a mature stand of those species established on-site. If the current stand can exceed the riparian protection that could be expected based on site potential, then additional activity may be allowed provided the following performance standards can be met. For Type 1 and 2 streams, an alternative method may be utilized to allow limited timber harvest within the outer one hundred feet of a buffer:

Performance-based Riparian Standards*

(These Standards Must be Exceeded Before Additional Activity Can be Permitted Within the Riparian Zone)

Watertype Performance Standards.

Type 1 and 2 (Fish Bearing).

- a. Maintain ninety-five percent of total LWD recruitment expected to enter the stream from a mature stand;
- b. Maintain eighty-five percent of the trees which are greater than twenty-four inches DBH within one hundred feet of stream;
- c. Maintain an average of seventy-five percent canopy cover (based on canopy densitometer readings at stream edge); and
- d. The applicant may further request some limited timber harvest of up to thirty percent of the merchantable timber within the outer one hundred feet of any two hundred-foot required buffer provided the harvest:
 - i. Does not reduce the LWD and canopy requirements,
 - ii. The applicant will increase the total buffer size by fifty feet to mitigate for the limited timber harvest in the required buffer to provide additional wildlife habitat. The additional fifty-foot buffer shall retain a minimum of fifty percent of the total number of trees with twenty-five percent of the total trees left having a diameter at breast height (DBH - four and one-half feet) greater than twelve inches, and

- iii. No more than fifty percent of the dominant trees in the outer one hundred feet may be harvested.

Type 3 (Fish Bearing).

- a. Maintain eighty-five percent of total LWD recruitment expected to enter the stream from a mature stand;
- b. Maintain eighty-five percent of the trees which are greater than eighteen inches DBH within one hundred feet of stream; and
- c. Maintain an average of seventy-five percent canopy cover (based on canopy densitometer readings at stream edge).

Type 4 and 5 (Nonfish Bearing).

- a. Maintain fifty percent of total LWD recruitment expected to enter the stream from a mature stand;
- b. Maintain eighty-five percent of the trees which are greater than twenty-four inches DBH within fifty feet of stream; and
- c. Maintain an average of seventy-five percent canopy cover (based on canopy densitometer readings at stream edge).

* Note: Applicants electing to employ performance based mitigation in accordance with the above matrix shall include appropriate analysis and justification in their site assessment/habitat management plan.

- D. Bald eagle habitats shall be protected pursuant to the Washington State Bald Eagle Protection Rules (WAC 232-12-292), a cooperative habitat management plan shall be developed in coordination with the Department of Fish and Wildlife whenever activities that alter habitat are proposed near a verified nest territory or communal roost.
- E. Wetlands that are identified as a fish and wildlife habitat conservation area shall be protected according to the provisions in subsection (B)(1) of this section. If the wetland buffer widths called for under subsection B of this section, conflict with this section, the buffer widths providing the greatest protection shall apply.
- F. All other fish and wildlife habitat conservation areas, including habitats/species of local importance, shall be protected on a case by case basis by means of a habitat management plan based on the PHS program, as set forth in SWMC Sections 17.65.510 and 17.65.520, initial project review and site assessment/habitat management plan.
- G. Approval of any activity that can adversely affect fish and wildlife habitat conservation areas shall conform to the requirements set forth in SWMC Section 17.65.170(A).

Article VI. Flood Hazard Area

17.65.600 Standards for flood hazard areas.

Development proposed in flood hazard areas, in addition to the provisions of Chapter 17.66 (Flood Damage Prevention), shall be limited to the extent that:

- A. Clearing, stripping of vegetative and coverage of the site by roads and structures shall be no more than necessary in order to maintain water quality.
- B. Buildings are sited to minimize alteration of terrain and other natural features, and minimize the need for fill.

Article VII. Compliance and Enforcement

17.65.710 Compliance with critical area regulations.

No permit for a development proposal described in SWMC Section 17.65.050 shall be issued unless it also complies with the regulations of this chapter.

17.65.720 Construction.

In any case where the provisions of this chapter conflict with the provisions of the underlying zoning, the provisions of this chapter shall apply

17.65.730 Severability.

The provisions of this chapter are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this chapter, or the invalidity of the application thereof to any person, owner, or circumstance shall not affect the validity of the remainder of this chapter, or the validity of its application to other persons, owners or circumstances.

17.65.740 State Environmental Policy Act.

This chapter establishes minimum standards which are to be applied to specific land use and platting actions in order to prevent further degradation of critical areas in the city, and is not intended to limit the application of the State Environmental Policy Act (SEPA). Projects subject to SEPA shall be reviewed and may also be conditioned or denied.

17.65.750 Liability disclaimer—Flood hazard areas.

Since floods more severe than the one hundred-year flood occur on rare occasions, reliance on this chapter will not altogether guarantee freedom from flood damage, nor shall this chapter create liability on the part of the city for such damage. It is further noted that other data regarding one hundred-year floodplain elevations may exist which indicate a more severe threat than the data established by FEMA. Information on these other data sources shall be kept and made available at Sedro-Woolley City Hall.

17.65.760 Enforcement of the critical areas regulations.

A. Violations.

1. It is a violation of this chapter for any person to initiate or maintain or cause to be initiated or maintained the use of any structure, land or property within the city without first obtaining the permits or authorization required for the use by this chapter.
2. It is a violation of this chapter for any person to use, construct, locate, demolish or cause to be used, constructed, located, or demolished any structure, land or property within the city in any manner that is not permitted by the terms of any permit or authorization issued pursuant to this chapter, provided, that the terms or conditions are explicitly stated on the permit or the approved plans.

3. It is a violation of this chapter to remove or deface any sign, notice, complaint or order required by or posted in accordance with this chapter.
4. It is a violation of this chapter to misrepresent any material fact in any application, plans or other information submitted to obtain any critical areas authorization.
5. It is a violation of this chapter for anyone to fail to comply with the requirements of this chapter.

B. Duty to Enforce.

1. It shall be the duty of the director to enforce this chapter. The director may call upon the police, fire, health or other appropriate city departments to assist in enforcement.
2. Upon presentation of proper credentials, the director or duly authorized representative of the director may, with the consent of the owner or occupier of a building or premises, or pursuant to a lawfully issued inspection warrant, enter at reasonable times any building or premises subject to the consent or warrant to perform the duties imposed by the critical areas code.
3. The critical areas code shall be enforced for the benefit of the health, safety and welfare of the general public, and not for the benefit of any particular person or class of persons.
4. It is the intent of this critical areas code to place the obligation of complying with its requirements upon the owner, occupier or other person responsible for the condition of the land, wetlands, shorelines, and buildings within the scope of this code.
5. No provision of or term used in this code is intended to impose any duty upon the city or any of its officers or employees which would subject them to damages in a civil action.

C. Investigation and Notice of Violation.

1. The director shall investigate any structure or use which the director reasonably believes does not comply with the standards and requirements of the critical areas code.
2. If after investigation the director determines that the standards or requirements have been violated, the director shall serve a notice of violation upon the owner, tenant or other person responsible for the condition. The notice of violation shall state separately each standard or requirement violated; shall state what corrective action, if any, is necessary to comply with the standards or requirements; and shall set a reasonable time for compliance. The notice shall state that any subsequent violation may result in criminal prosecution as provided in SWMC Section 17.65.170. In the event of violation of the standards or requirements of this chapter required corrective action shall include, if appropriate, but shall not be limited to, mitigating measures such as restoration of the area and replacement of damaged or destroyed trees.
3. The notice shall be served upon the owner, tenant or other person responsible for the condition by personal service, registered mail, or certified mail with return receipt requested, addressed to the last known address of such person. If, after a reasonable search and reasonable efforts are made to obtain service, the whereabouts of the person or persons is unknown or service cannot be accomplished and the director makes an affidavit to that effect, then service of the notice upon such person or persons may be made by:
 - a. Publishing the notice once each week for two consecutive weeks in the city official newspaper; and

- b. Mailing a copy of the notice to each person named on the notice of violation by first class mail to the last known address if known, or if unknown, to the address of the property involved in the proceedings.
 - 4. A copy of the notice shall be posted at a conspicuous place on the property, unless posting the notice is not physically possible.
 - 5. Nothing in this section shall be deemed to limit or preclude any action or proceeding pursuant to SWMC Section 17.65.170.
 - 6. The director may mail, or cause to be delivered to all residential and/or nonresidential rental units in the structure or post at a conspicuous place on the property, a notice which informs each recipient or resident about the notice of violation, stop work order or emergency order and the applicable requirements and procedures.
 - 7. A notice or order may be amended at any time in order to:
 - a. Correct clerical errors; or
 - b. Cite additional authority for a stated violation.
- D. Time to Comply.
- 1. When calculating a reasonable time for compliance, the director shall consider the following criteria:
 - a. The type and degree of violation cited in the notice;
 - b. The stated intent, if any, of a responsible party to take steps to comply;
 - c. The procedural requirements for obtaining a permit to carry out corrective action;
 - d. The complexity of the corrective action, including seasonal considerations, construction requirements and the legal prerogatives of landlords and tenants; and
 - e. Any other circumstances beyond the control of the responsible party.
 - 2. Unless a request for review before the director is made in accordance with SWMC Section 17.65.170, the notice of violation shall become the final order of the director. A copy of the notice shall be filed with the Skagit County auditor. The director may choose not to file a copy of the notice or order if the notice or order is directed only to a responsible person other than the owner of the property.
- E. Stop Work Order. Whenever a continuing violation of this code will materially impair the director's ability to secure compliance with this code, or when the continuing violation threatens the health or safety of the public, the director may issue a stop work order specifying the violation and prohibiting any work or other activity at the site. A failure to comply with a stop work order shall constitute a violation of this land use code.
- F. Emergency Order.
- 1. Whenever any use or activity in violation of this code threatens the health and safety of the occupants of the premises or any member of the public, the director may issue an emergency order directing that the use or activity be discontinued and the condition causing the threat to the public health and safety be corrected. The emergency order shall specify the time for compliance and shall be posted in a conspicuous place on the property, if posting is physically possible. A failure to comply with an emergency order shall constitute a violation of this land use code.
 - 2. Any condition described in the emergency order which is not corrected within the time specified is declared to be a public nuisance and the director is authorized to abate such nuisance summarily by such means as may be available. The cost of such abatement

shall be recovered from the owner or person responsible or both in the manner provided by law.

G. Review by the Director.

1. Any person significantly affected by or interested in a notice of violation issued by the director pursuant to SWMC Section 17.65.170 may obtain a review of the notice by requesting such review within fifteen days after service of the notice. When the last day of the period so computed is a Saturday, Sunday or federal or city holiday, the period shall run until five p.m. on the next business day. The request shall be in writing, and upon receipt of the request, the director shall notify any persons served the notice of violation and the complainant, if any, of the date, time and place set for the review, which shall be not less than ten nor more than twenty days after the request is received, unless otherwise agreed by all persons served with the notice of violation. Before the date set for the review, any person significantly affected by or interested in the notice of violation may submit any written material to the director for consideration at the review.
2. The review will consist of an informal review meeting held at the department. A representative of the director who is familiar with the case and the applicable ordinances will attend. The director's representative will explain the reasons for the director's issuance of the notice and will listen to any additional information presented by the persons attending. At or after the review, the director may:
 - a. Sustain the notice of violation;
 - b. Withdraw the notice of violation;
 - c. Continue the review to a date certain for receipt of additional information; or
 - d. Modify the notice of violation, which may include an extension of the compliance date.
3. The director shall issue an order of the director containing the decision within seven days of the date of completion of the review and shall cause the same to be mailed by regular first class mail to the person or persons named on the notice of violation, mailed to the complainant, if possible, and filed with Skagit County auditor.

H. Extension of Compliance Date.

1. The director may grant an extension of time for compliance with any notice or order, whether pending or final, upon the director's finding that substantial progress toward compliance has been made and that the public will not be adversely affected by the extension.
2. An extension of time may be revoked by the director if it is shown that the conditions at the time the extension was granted have changed, the director determines that the conditions at the time the extension was granted have changed, the director determines that a party is not performing corrective actions as agreed, or if the extension creates an adverse effect on the public. The date of revocation shall then be considered as the compliance date. The procedures for revocation, notification of parties, and appeal of the revocation shall be established by rule.

I. Civil Penalty.

1. In addition to any other sanction or remedial procedure which may be available, any person violating or failing to comply with any of the provisions of this chapter shall be

- subject to a cumulative penalty in the amount of seventy-five dollars per day for each violation from the date set for compliance until the order is complied with.
 2. The penalty imposed by this section shall be collected by civil action brought in the name of the city. The director shall notify the city attorney in writing of the name of any person subject to the penalty, and the city attorney shall, with the assistance of the director, take appropriate action to collect the penalty.
 3. The violator may show as full or partial mitigation of liability:
 - a. That the violation giving rise to the action was caused by the willful act, or neglect, or abuse of another; or
 - b. That correction of the violation was commenced promptly upon receipt of the notice thereof, but that full compliance within the time specified was prevented by inability to gain access to the subject structure, or other condition or circumstance beyond the control of the defendant.
- J. Criminal Penalties. Any person violating or failing to comply with any of the provisions of this critical areas code, this chapter, shall be subject to criminal prosecution for a gross misdemeanor, and upon conviction of a subsequent violation shall be fined in a sum not exceeding five thousand dollars or be imprisoned in the city jail for a term not exceeding one year or be both fined and imprisoned. Each day of noncompliance with any of the provisions of this critical areas code shall constitute a separate offense.
- K. Additional Relief. The director may seek legal or equitable relief to enjoin any acts or practices and abate any condition which constitutes or will constitute a violation of this critical areas code when civil or criminal penalties are inadequate to effect compliance.

Chapter 17.XX
RESIDENTIAL 1 Environmentally Constrained (R-1) ZONE

Sections:

- 17.XX.005 Intent.**
- 17.XX.010 Use restrictions.**
- 17.XX.020 Bulk restrictions.**
- 17.XX.030 Minimum lot size requirements.**
- 17.XX.040 Maximum density requirements.**
- 17.XX.050 Maximum lot coverage.**

17.XX.005 Intent.

The intent of the R-1 zone is to recognize those areas with existing development in close proximity to unique environmentally sensitive areas where more intense infill development would not be consistent and inappropriate with the environmentally constrained properties.

17.XX.010 Use restrictions.

Use restrictions in the residential R-1 zone shall be as follows:

A. Permitted Uses.

1. One single-family residence per lot;
2. Low-intensity agriculture;
3. Home occupations in compliance with Chapter 17.68;
4. Child day care centers meeting state requirements;
5. Adult or family day care facilities meeting state requirements.

B. Conditional Uses.

1. Planned residential developments;
2. Group homes;
3. Dependent relative cottages;
4. Personal services;
5. Outdoor recreation facilities;
6. Public utilities, excluding wireless communication facilities;
7. Quasi-public uses;
8. Public uses.

C. Prohibited Uses. All uses not listed above, including adult entertainment and wireless communication facilities.

17.XX.020 Bulk restrictions.

Bulk restrictions in the residential R-1 zone shall be as follows:

A. Minimum Setbacks.

1. Front: twenty feet;

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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.XX.030 Minimum lot size requirements.

Minimum lot size requirements in the residential R-1 zone shall be as follows:

- A. Lot area: one acre;
- B. Lot width at building line: seventy five feet;
- C. Lot frontage on a public street, approved private street, or approved easement: twenty feet.

17.XX.040 Maximum density requirements.

The maximum gross density requirement in the R-1 zone is one unit per acre.

17.XX.050 Maximum lot coverage.

Maximum lot coverage requirements in the residential R-1 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.

