

**CITY OF SEDRO-WOOLLEY
PLANNING DEPARTMENT**

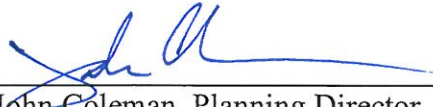
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TRANSMITTAL & REPORT MEMORANDUM

DATE: July 16, 2019

TO: Sedro-Woolley Planning Commission

REGARDING Proposed Amendments to Chapter 17.04 – Administrative Provisions

FROM: 
John Coleman, Planning Director

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

FINDINGS OF FACT

PROPOSAL

Proposed are amendments to the Sedro-Woolley Municipal Code (SWMC) Ch. 17.04 SWMC – Administrative Provisions – to address the impacts of transmission line easements and ingress/egress easements on usable lot area requirements for new lots. Currently the zoning code does not specify that land encumbered by power and gas transmission line easements or ingress and egress easements may not count toward buildable area calculations and lot width at building line requirements. The proposed amendments to the definitions of “area” and “lot width at building line” are intended to specify that the aforementioned easements may not count towards lot area or lot width at building line.

Please see the attached proposed code amendments, labeled as **Attachment A**, formatted in a tracking program, so that the proposed changes to the code are easily identifiable. The maps in **Attachment B** and **Attachment C** show the gas transmission lines and power transmission lines respectively in Sedro-Woolley.

BACKGROUND

Minimum lot size requirements in residential areas are in place to ensure that property owners are allotted adequate space to fully and safely enjoy the allowed uses of their private property. Certain easements interfere with this intent. The area covered by ingress/egress easements granted to neighboring properties cannot be built upon, landscaped or otherwise enjoyed by the property owner. Utility easements for hazardous transmission lines also cannot be built upon, may contain hazardous transmission lines and in many cases cannot be landscaped.

There is concern that if transmission lines easements are allowed to be included in lot area calculations or lot width at building line requirements, a large portion of the lot area may be encumbered by easements, leaving the property owners unable to use the space on their lots as intended by the Sedro-Woolley Municipal Code and Comprehensive Plan. Equivalently, if the area or lot width at building line is encumbered by shared egress and ingress easements, the property owner's use of their property is limited.

ANALYSIS

Transmission line and ingress/egress easements can be problematic for property owners because if such easements exist on their property, that area cannot be used for any purpose other than unaltered open space or a shared driveway. Ingress/egress easements are required to be kept clear of vehicles and other obstructions so that other properties may gain access to their property across the easement. The area encumbered by such an easement is not usable to the owner of the lot on which the easement occupies.

Transmission line easements – in particular easements for gas transmission lines and electric (power) transmission lines – come with very strict rules from the utility provider. These restrictions preclude the construction of any buildings or structures. The high power transmission lines do not allow even fences or benches. The electrical easements do not allow landscaping to grow over a certain height, and gas transmission easements do not allow any landscaping such as trees or shrubs that puts roots down into the ground. The width of any easement depends on the utility. Some power easements are over 100' wide for the high voltage transmission lines, while other power easements, such as the regional transmission line easements, are much narrower. All easements are recorded and previously determined by the utility provider. The proposed zoning code amendments do not alter the existing easement widths.

If new residential developments are allowed to count transmission line or ingress/egress easements toward buildable area on a lot, the resulting home may have an unusable yard (with potentially hazardous transmission lines) and the new home is forced to be dangerously close to gas or power transmission lines. Said easements should therefore not be included in buildable area calculations or lot width at building line requirements in order to ensure residents of Sedro-Woolley have safe, usable space on their property.

To address this issue, changes to the definitions section of the zoning code (Chapter 17.04.030) are proposed. There are several key terms that are relevant to the discussion about easements encumbering lots. The first term is “area” and “lot area.” These terms refer to the size of the lot. Each specific zoning designation then defines what the minimum lot size in the zone. For example, the minimum lot size for a standard lot (not part of a Planned Residential Development) in the Residential 5 zone is 8,400 square feet. The minimum lot size for a standard lot in the Residential 7 zone is 6,000 square feet. The minimum lot size for a standard lot in the Residential 1 zone is 43,560 square feet (there do not appear to be any power or gas transmission line easements in the R-1 zone). The minimum lot sizes in a PRD are flexible. Both “area” and “lot area” are defined in SWMC 17.04.030 under “area:”

“Area” means total horizontal area. “Lot area” for purposes of calculating buildable area shall not include the area encompassed in flag driveways to a property set back from a private or public drive, street or road.

The next relevant term is “lot width at building line.” This requires that a lot be wide enough for a house to be built on the lot. The minimum lot width at building line is 75 feet in the Residential 1 zone and 40 feet in the Residential 5 and Residential 7 zones. No lot area at building line requirements exist in the Residential 15, commercial, industrial or public zones. Therefore, the lot area and lot width at building line requirements only apply to the Residential 1, 5 and 7 zones. The definition of lot width at building line is:

“Lot width at building line” means the distance between side lot lines, defined as the two lot lines most nearly perpendicular to the street on which the lot fronts; provided, that:

1. On corner lots measurement shall be along the shorter of the two front setback lines; and
2. Where the front setback line is not straight, measurement shall be in a straight line connecting the ends of the line.

Also, the term “transmission line” need to be defined so that it is clear which power and gas easements are regulated by the proposed changes. According to the Washington State Municipal Resource Service Center:

Transmission pipelines are large diameter pipelines that transport large volumes of natural gas or hazardous liquids under high pressure. Distribution pipelines, on the other hand, are pipelines that are much smaller in diameter, operate at lower pressure, and carry natural gas to homes and small businesses in many communities.

There are no federal or state regulations concerning what land uses are appropriate on lands in the vicinity of transmission pipelines. This is a matter of local government control.

As urban uses and development expand into areas where existing transmission pipelines are situated, or where new pipelines are being proposed, local government officials need to acknowledge, discuss and address the risks that transmission pipelines pose to our communities, as well as the risks that increased human activities pose to the integrity of these pipelines. <http://mrsc.org/Home/Explore-Topics/Public-Safety/Special-Topics/Pipeline-Safety.aspx>

The proposed definition of transmission line in Attachment A is based on the above information from MRSC and the US Energy Information Administration glossary (<https://www.eia.gov/tools/glossary/index.php>).

Proposed Amendments

To address the issues identified above, staff recommends the amendments in Attachment A. These amendments include simple language to restrict ingress/egress easements from counting as “area”, “lot area” or “building width at lot line.” The proposed amendments also include a definition of “transmission lines.”

The intent the proposed code amendments is to provide high quality, safe housing which includes access to usable open space and backyards, ensuring that residents will be allowed to safely enjoy the full use of their lots.

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

Policy H3.1: Require usable outdoor recreation space as part of all residential developments.

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.

PROPOSAL REVIEW PROCESS

- Planning Commission review of the proposed amendments of Ch. 17.04 SWMC at the July 16, 2019 Planning Commission meeting.
- A SEPA threshold Determination of Non-Significance was issued July 15, 2019.
- Public Notice of the July 16, 2019 Planning Commission Hearing was published in the Skagit Valley Herald on July 5, 2019.
- Notice of the proposed amendments were submitted to the Washington State Department of Commerce on July 9, 2019 – Submittal ID 2019-S-395.

RECOMMENDATION:

Staff recommends that the Planning Commission review the proposed amendments in chapter in Title 17.04 SWMC, hold a public hearing, discuss the amendments and:

Make a motion to recommend that the City Council adopt the proposed amendments to chapter in Title 17.04 SWMC to address the impacts of transmission lines and ingress/egress easements on usable lot area requirements for new lots.

ATTACHMENTS:

- A. Proposed amendments to SWMC Title 17.04.030 – Administrative Provisions, formatted in Tracking Program
- B. Map of Gas Transmission lines in Sedro-Woolley
- C. Map of Power Transmission lines in Sedro-Woolley
- D. Notice of Public Hearing

Attachment 1

to July 16, 2019 Easement Impacts Staff Report –
Draft amendments to Ch. 17.04 SWMC

SWMC 17.04.020 Definitions.

...

“Area” means total horizontal area. “Lot area” for purposes of calculating buildable area shall not include:

1. -the area encompassed in flag driveways to a property set back from a private or public drive, street or road;
2. Easements for ingress and or egress; or
3. Easements for gas or powerline transmission lines.

...

“Lot width at building line” means the distance between side lot lines, defined as the two lot lines most nearly perpendicular to the street on which the lot fronts; provided, that:

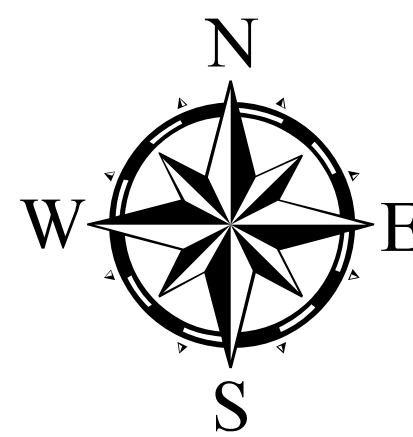
1. On corner lots measurement shall be along the shorter of the two front setback lines; ~~and~~
2. Where the front setback line is not straight, measurement shall be in a straight line connecting the ends of the line
3. Easements for ingress and/or egress shall not count towards lot width at building line; and
4. Easements for gas or powerline transmission lines shall not count towards lot width at building line.

...

“Transmission lines” as related to gas or power lines means an interconnected group of lines and associated equipment for the movement or transfer of electric energy or gas between points of supply and points at which it is transformed for delivery to customers or is delivered to other systems. Transmission lines do not include distribution lines from which services to individual properties are provided. There are two gas transmission lines and several electric transmission lines in Sedro-Woolley.

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City of Sedro-Woolley Natural Gas Transmission Line Map



Attachment B to Easements Impacts Staff Report

Legend

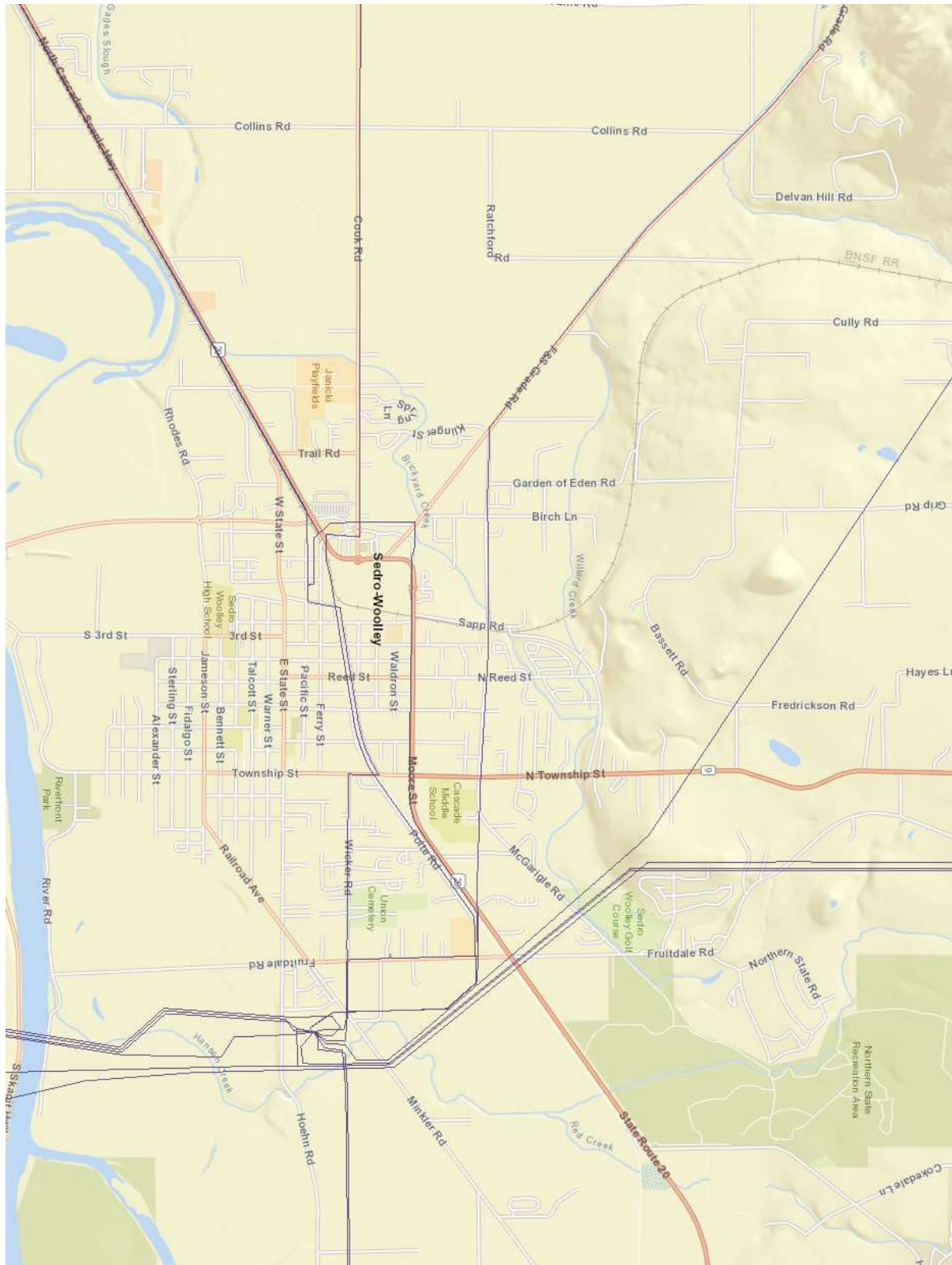
- Natural Gas Transmission Lines
- Urban Growth Area 2018
- City Limits
- Railroads
- Streets
- Parcels 2018
- ZONE**
- Central Business District
- Industrial
- Mixed Commercial
- Open Space
- Public
- Residential 15
- Residential 7
- Residential 5
- R1 Env Sensitive
- TMC Overlay

0 1,000 2,000 4,000 Feet

City of Sedro-Woolley
Zoning Map
Adopted: 6/13/2018
Effective: 6/23/2018

to Easements Impacts Staff Report

Power Transmission Lines through Sedro-Woolley – Lines shown in blue – Map from the US Energy Information Administration website (<https://www.eia.gov/state/maps.php>)



NOTICE OF PUBLIC HEARINGS

CITY OF SEDRO-WOOLLEY

Amendments to Development Regulations and Comprehensive Plan

The City of Sedro-Woolley Planning Commission will hold a public hearing on **July 16, 2019 at 6:30 PM**, at the Sedro-Woolley Council Chambers located at 325 Metcalf Street, to hear testimony regarding the following proposed amendments to the City Comprehensive Plan and Development Regulations:

1. Discussion about potentially making amendments to the zoning code and Comprehensive Plan to address Accessory Dwelling Units. File #CPA-1-19.
2. Possible amendments to definitions in Ch17.04 SWMC – Administrative Provisions – to address usable lot area requirements for new subdivisions.

Interested parties can comment on the proposed changes in writing or at the hearing. **Written comments must be received by 4:30 PM July 16, 2019** to be considered at this public hearing. Send written comments to: Sedro-Woolley Planning Department, 325 Metcalf Street, Sedro-Woolley, WA 98284. Complete project files are available for review at the Planning Department between the hours of 8:00 AM to 5:00 PM, Monday through Friday.

Published in the Skagit Valley Herald: July 5, 2019