

**CITY OF SEDRO-WOOLLEY  
PLANNING DEPARTMENT**

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**TRANSMITTAL & REPORT MEMORANDUM**

DATE: October 19, 2021

TO: Sedro-Woolley Planning Commission

REGARDING: CPA-1-20 – Proposed changes to the Zoning and Comprehensive  
Plan Land Use Maps – 2021 Docket

- RZ-2020-012 – Ruby - Golf Course Rezone
- RZ-2021-038 – Bucko Rezone

FROM:

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John Coleman, Planning Director

The following proposal is submitted by the Planning Department on behalf of the Sedro-Woolley City Council to review possible amendments to the Zoning and Comprehensive Land Use maps. This report serves as the staff report for CPA-1-21 which includes two rezone requests (file numbers RZ-2020-12 and RZ-2021-038) from private property owners which have been and was submitted in accordance with Chapter 2.90 SWMC.

**FINDINGS OF FACT**

**PROPOSAL**

Once each year, the City of Sedro-Woolley accepts rezone applications to be processed as part of the annual Comprehensive Plan Docket. In 2021, two requests that affect zoning were placed on the 2021 Docket by the City Council. One application was submitted by the owner of Assessor's Parcel #P39361, which is part of the golf course (file # RZ-2020-012); and a second application was submitted by the owner of Assessor's Parcels P37256 and P37151 (file # RZ-2021-038).

RZ-2020-012 is a request to change zoning from Mixed Commercial (MC) to Residential 5 (R-5). RZ-2021-038 is a request to change zoning from MC to Residential 15 (R-15).

Each request is described further below. The current R-5 zoning designation regulations are in Exhibit A; the current Mixed Commercial zoning designation regulations are in Exhibit B; and current R-15 zoning designation regulations are in Exhibit C.

## PROPOSAL PROCESS

Procedural History – Per the Growth Management Act (Chapter 36.70A RCW), changes to the Sedro-Woolley Comprehensive Plan may be considered no more than once per year. Amendments may be suggested by citizens, staff or elected officials. All proposed amendments to the Comprehensive Plan must be considered at one time; this list of proposed amendments is termed the “Docket.” The City Council determines what items are included on the annual Docket. Any amendments to the city’s Comprehensive Plan, zoning map or development regulations that would require changes to the Comprehensive Plan shall be reviewed as part of the Docket. Rezone requests are required to be reviewed as part of the annual Comprehensive Plan update process. Rezone requests are processed as a Type VI Permit per SWMC 2.90.070G and require Planning Commission (PC) review and a PC recommendation to the City Council.

Advertisements for the opportunity to submit Comprehensive Plan amendment applications were published December 4, 2020 and January 2, 2021 in the Skagit Valley Herald. The deadline for applications was set for January 15, 2021. Notice of the open application period was also advertised on the city website and in the lobby of City Hall. No requests from the public were received for amendments to the Comprehensive Plan text. One of the two aforementioned rezone request applications (RZ-2021-038) was received ahead of the published deadline. The other rezone request (RZ-2020-012) was reviewed as part of the 2020 Docket and the Planning Commission made a recommendation in 2020, but the city council sent the proposal back to the Planning Commission for further review as part of the 2021 Docket.

At the March 3, 2021 Joint City Council/Planning Commission Study Session, the proposed 2021 Comprehensive Plan and zoning map amendments were discussed but no action was taken. Staff recommended that the two rezone requests be placed on the 2021 Docket. At their regular meeting on March 10, 2021, the City Council made a motion to include the two rezone requests on the 2021 Docket.

Those two rezone requests were introduced as a topic of study at the September 21, 2021 PC meeting. At its October 19, 2021 meeting, the PC will hold a public hearing on the rezone requests. Notice of the October 19 Public Hearing was published in the Skagit Valley Herald October 8, 2021 (Exhibit D). After receiving input from the public, the PC will discuss each proposal. The PC may schedule more hearings for further review of any file as necessary or the Planning Commission may make a recommendation. After the PC recommendations are complete, the City Council can either adopt the PC recommendations; request the PC to re-examine the topic; or hold its own public hearings and adopt different amendments from what the PC recommended.

RCW 36.70A.106 requires that a Notice of Intent to Adopt amendments to Comprehensive Plans and development regulations shall be submitted to the Washington State Department of Commerce for 60 day review. The Notice of Intent to Adopt Comprehensive Plan and Zoning Map amendments was sent October 14, 2021.

**Zoning vs. Comprehensive Plan Map** – There are two maps that reflect the zoning of a property; the Comprehensive Plan Land Use Map and the Zoning Map. For the most part, the maps are identical, however there are differences. The Comprehensive Plan Land Use Map is part of the Land Use Element of the Comprehensive Plan and guides the Zoning Map. The Comprehensive Plan Land Use Map shows what the future zoning of a property may be. For example, properties in the urban growth area (UGA) are not in the city of Sedro-Woolley’s jurisdiction, but if any part of the UGA were to be annexed, then the Comprehensive Land Use Map shows what the zoning will be when it is incorporated into the city. The Comprehensive Land Use map graphically shows the future land use plans expressed in the Land Use Element. The Zoning Map shows a property’s current zoning designation and directs the reader to the zoning code (Title 17 SWMC) to learn what each specific zone allows. Approved rezone requests will require amendments to the Comprehensive Plan Land Use Map and the Zoning Map.

## ANALYSIS

There are two separate rezone requests under CPA-1-21: Rezone request RZ-2020-012 for Mr. Ruby (Granite Holdings, LLC) and RZ-2021-038 for the Bucko Family. The location of each rezone request is shown in Figure 1. Each request is described in further detail below.

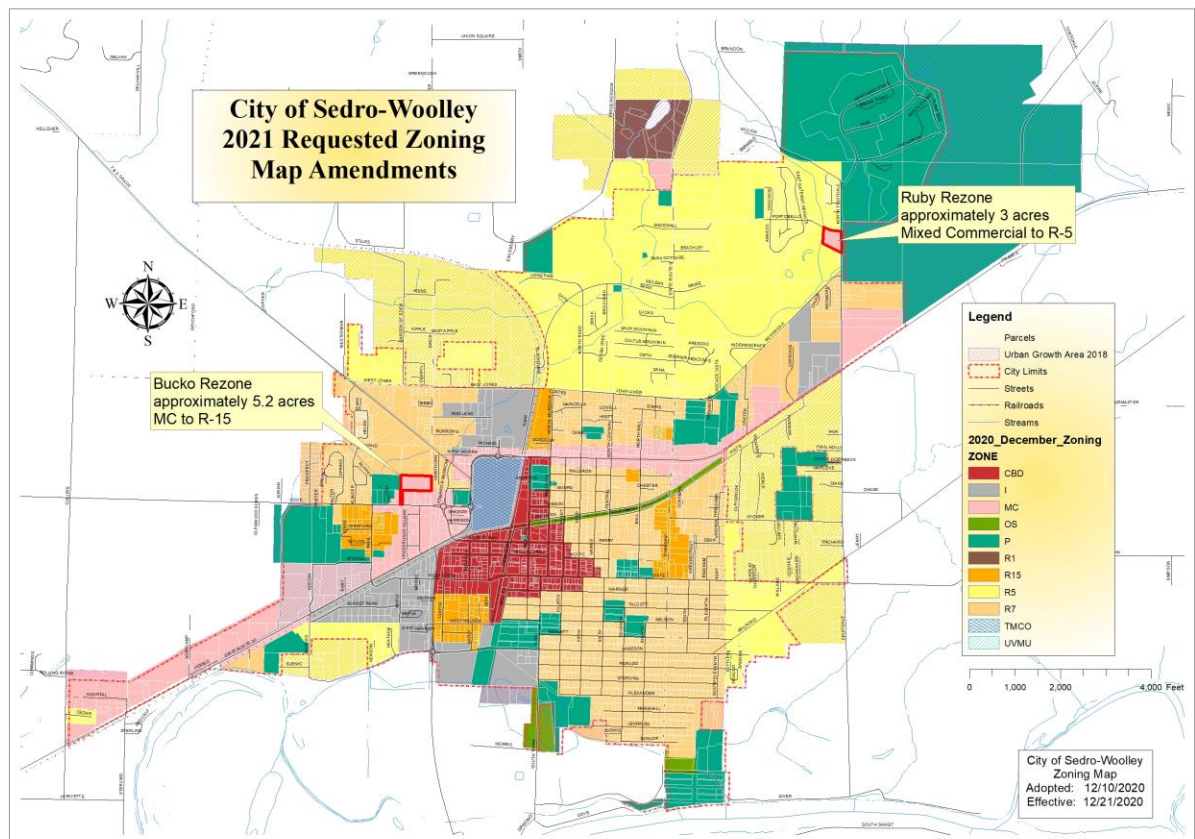


Figure 1 – Location of two rezone requests within the city

**File # RZ-2020-012** is a request to change the zoning designation of a roughly three-acre portion of Parcel P39361 from Mixed Commercial to Residential 5 (R-5). A close-up of the zoning map in the area is shown in Figure 2. The rezone application (Exhibit E) was received and determined complete on January 16, 2020 and the application was processed as part of the **2020 Docket**. The PC reviewed the application at two regular meetings and two public hearings. After the second public hearing (September 15, 2020), the PC voted 3-2 to make a recommendation to approve the zoning change. When the City Council discussed the Planning Commission Findings of Fact and Recommendation at the December 9, 2020 meeting, the Council was concerned that the Ruby Rezone was not ready for their consideration. The Council removed the item from the 2020 Docket and asked that the Planning Commission review the application again as part of the 2021 Docket. The Planning Commission is holding a public hearing on October 19, 2021 as part of its re-review of the Ruby rezone request.

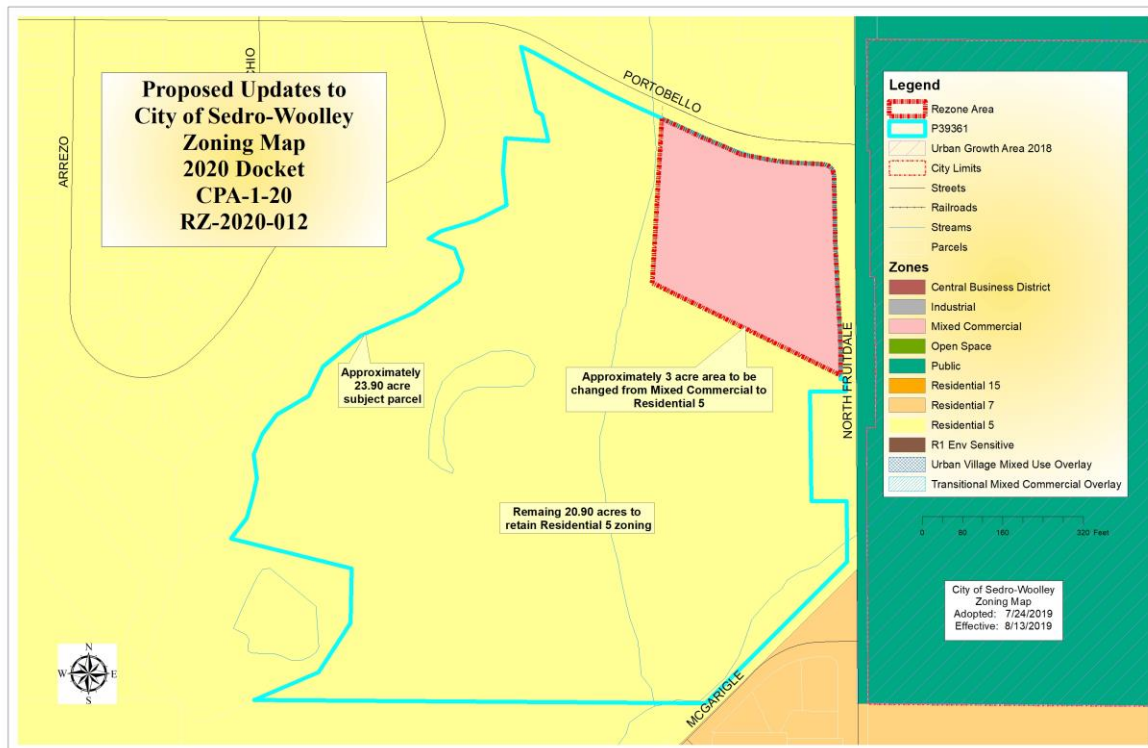


Figure 2 – Zoning map in the area of Ruby Rezone Request RZ-2020-012

The property is located at the southwest corner of the intersection of Portobello Avenue and North Fruitdale Road (see Figure 1 and Figure 2). The area zoned as Mixed Commercial is part of a larger 23.9 total acre parcel (Assessor's Parcel P39361). The Mixed Commercial area covers roughly the clubhouse and part of the driving range area at the golf course. This portion of land was zoned Mixed Commercial many years ago, presumably as a possible location for a small commercial node to serve the adjacent Sauk Mountain View Estates subdivision. The area zoned Mixed Commercial is bound to the south roughly by the location of a Cascade Natural Gas easement, to the west by the



unnamed creek (tributary to Brickyard Creek), to the east by North Fruitdale Road and the north by Portobello Avenue. The 75' wide Cascade Natural Gas (CNG) easement is for a regional gas transmission line; that easement appears to be partially on the area currently zoned MC. It is not exactly clear how much of the rezone area is encumbered by that easement.

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

Two watercourses run across parcel P39361. Brickyard Creek runs roughly east to west across the south of the parcel. An unnamed creek, a tributary of Brickyard Creek, runs north to south across the parcel. The unnamed creek is roughly the western boundary of the MC zoned area. Both of these watercourses are fish-bearing (Type 3) according to the Washington State Department of Natural Resources. The creeks are subject to Chapter 17.65 SWMC, but are not subject to the Sedro-Woolley Shoreline Master Program.

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

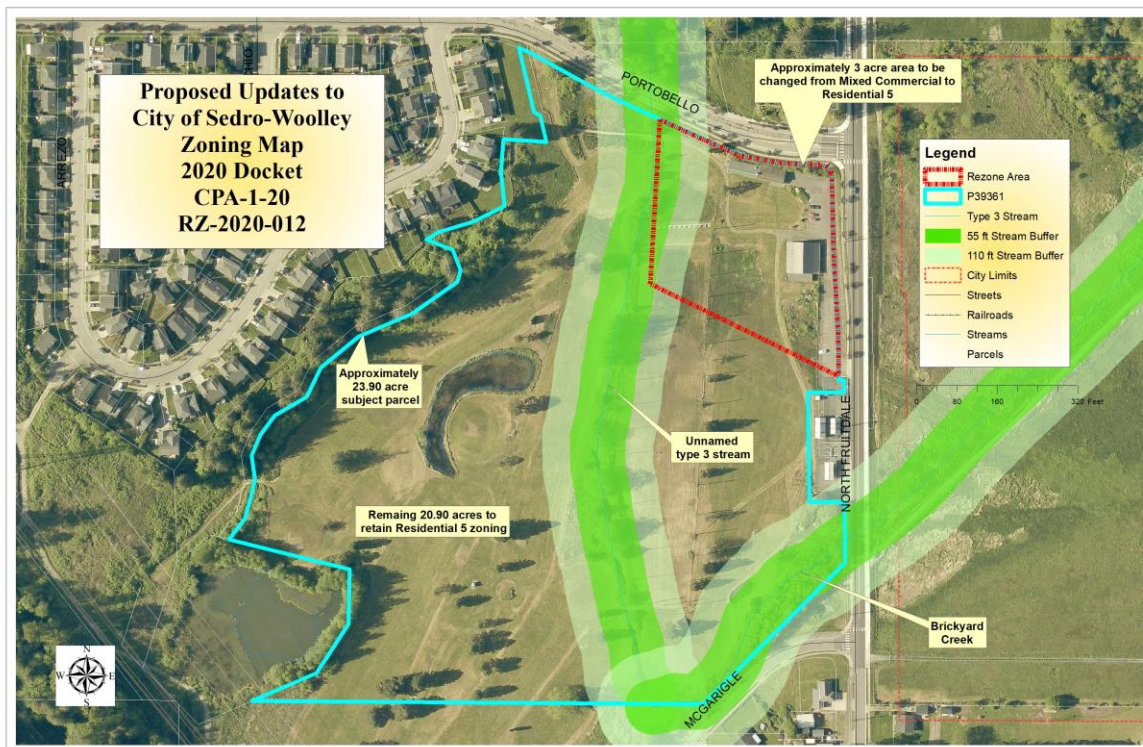


Figure 3 –Ruby rezone request showing 110' and alternate 55' buffer from creeks

When considering the development potential of the area, one must consider the critical areas and transmission easements mentioned previously. Per Chapter 17.65 SWMC, Type 3 fish-bearing creeks require a 110' fish and wildlife habitat conservation area buffer on each side of the stream's ordinary high water mark. Chapter 17.65 SWMC allows for the buffer to be reduced to no less than 55' if mitigation is performed in the creek riparian area, so future development may use the standard 110' buffer or the alternate 55' buffer.

The critical area buffer requirements are relevant because land in a critical area or critical area buffer do not count towards the total land area when calculating the allowed residential density for a planned residential development (PRD) on a property. To show how creek buffers may affect the area proposed to be rezoned, Figure 3 shows an aerial image of the area and includes the approximate 110' buffer as well as the possible alternate 55' buffer.

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

The Land Use Element of the Comprehensive Plan identifies that there are 267 acres of Mixed Commercial Land in the city. In 2016, when the city performed its periodic Comprehensive Plan update, the amount of commercial and residential growth was estimated for a 20 year horizon – out to 2036. Based on the County's adopted projections, Sedro-Woolley urban growth area was carefully sized to accommodate the projected growth. That analysis resulted in the precise amount of Mixed Commercial Land necessary to accommodate the projected commercial growth. It also resulted in the necessary amount of land to accommodate the projected residential growth. As discussed above, only 2 – 2.8 acres are developable because of critical area buffers and utility easements. However, reducing the amount of Mixed Commercial property may have impacts on the city's ability to accommodate future retail and commercial growth. Conversely, adding additional land for residential development will potentially provide more residential land than necessary according to the buildable lands analysis and Land Use Element.

#### *Consistency with Existing Comprehensive Plan*

Staff has reviewed the application materials for rezone request RZ-2020-012, reviewed the site conditions and reviewed the request for consistency with the Sedro-Woolley Comprehensive Plan. The following Land Use Element Goals and Policies may support the proposed rezone request.

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

*To an extent, commercial uses are incompatible with the residential zoning. However, the scale of any commercial use on a three-acre parcel would likely have a limited impact on the surrounding residential uses.*

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

*If the neighborhood supports the rezone, it can be argued that the rezone reflects the community values.*

Policy LU6.6: Encourage community involvement and participation in the land use decision making process, and provide understandable information and notices to affected residents and the press, to enable meaningful involvement and participation.

*The public review process required per Chapter 2.90 SWMC for Comprehensive Plan updates, along with the public notification process that was required for this application, encourages community involvement and participation. On July 10, 2020, notice of the July 21 public hearing and a Notice of Land Use Application were mailed to all residents within 500 feet and owners of property within 500 feet of the subject parcel (P39361). Said notices were also posted along Portobello Avenue and Fruitdale Road on July 10, 2020. On October 8, 2021, notice of the October 19, 2021 public hearing (Exhibit D) was mailed to all residents within 500 feet and owners of property within 500 feet of the subject parcel (P39361). Said notices were also posted along Portobello Avenue and Fruitdale Road on October 8, 2021.*

*Community involvement and participation is encouraged as part of the review for this specific application and the Comprehensive Plan update process. There are no additional public comment periods scheduled for this proposal after the October 19, 2021 public hearing.*

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

A tributary to Brickyard Creek borders the area requested to be rezoned and that tributary requires a buffer of 110' (that may mitigated to 55') from the ordinary high water mark. The buffer will affect the development potential of the land whether it is designated Mixed Commercial or Residential 5.

To an extent, commercial uses are incompatible with the residential zoning. However, the scale of any commercial use on a three-acre parcel would likely have a limited impact on the surrounding residential uses. The proposed rezone is approximately 2.95 acres in size. After subtracting critical areas buffers from that acreage, roughly 2 to 2.8 acres may be counted towards residential density calculations for any future PRD applications on the property. Thus, if the area was zoned Residential 5, it would contribute between 10 and 14 new units to a residential subdivision. There are concerns about the impacts of the proposal on the balance of commercial and residential land. The proposal will result in a loss of commercial land and create additional residential land that is not accounted for in the city's Land Use Element of the Comprehensive Plan.

Public comments are important to help understand the merits of this request. The public hearing comment period is advertised to close at 4:30 PM on October 19, 2021. The Planning Commission may hold the public comment period for the public hearing open

until a later date and time if more input is desired. No public comments have been received as of October 15, 2021. Several public comments (Exhibit G) were received as part of the 2020 Comprehensive Plan review of this project.

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

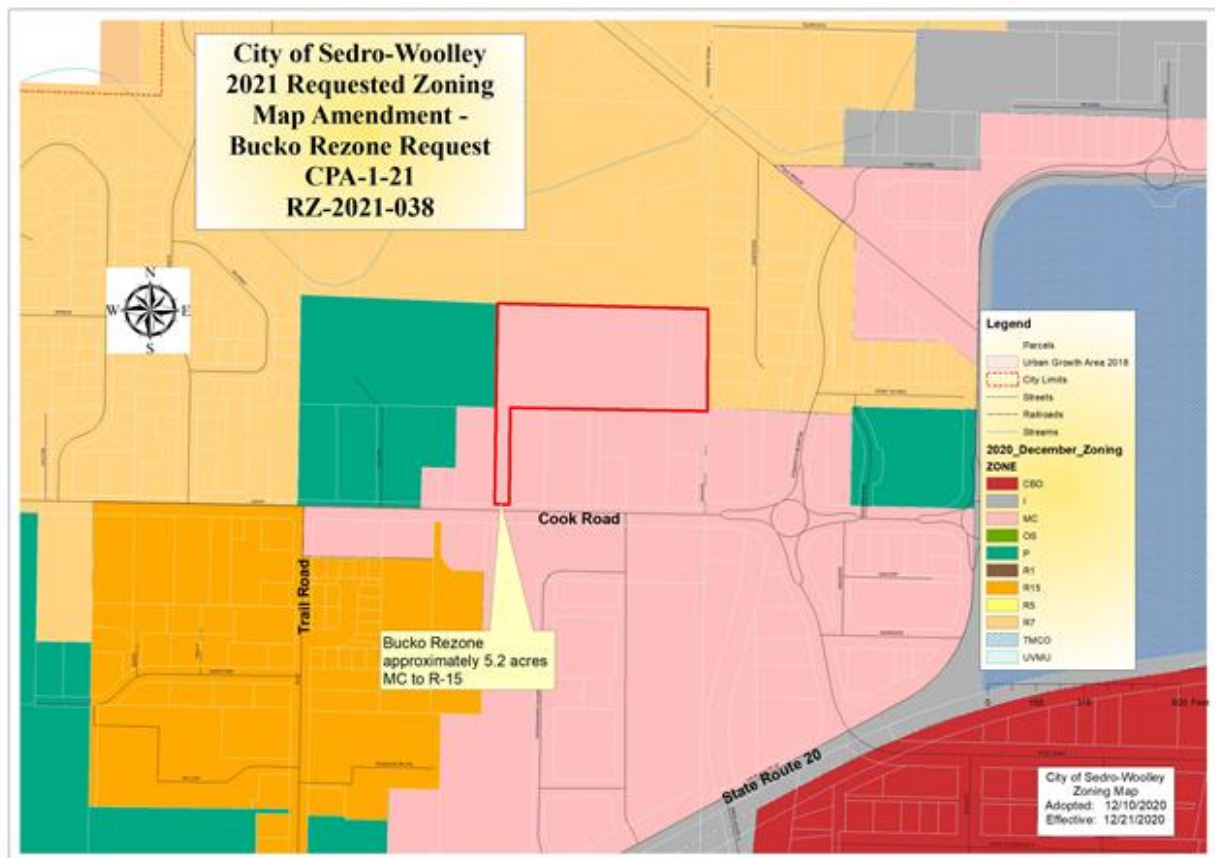


Figure 4 – Zoning map in the area of Bucko Rezone Request RZ-2021-038

Figure 4 shows the property, its zoning designation and the zoning designations of the surrounding area. The Bucko rezone application (Exhibit F) was received and determined to be complete on January 25, 2021. A SEPA Checklist was submitted with the application materials; a SEPA determination using that document will be issued by the Planning Department for the entire 2021 Docket.



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

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

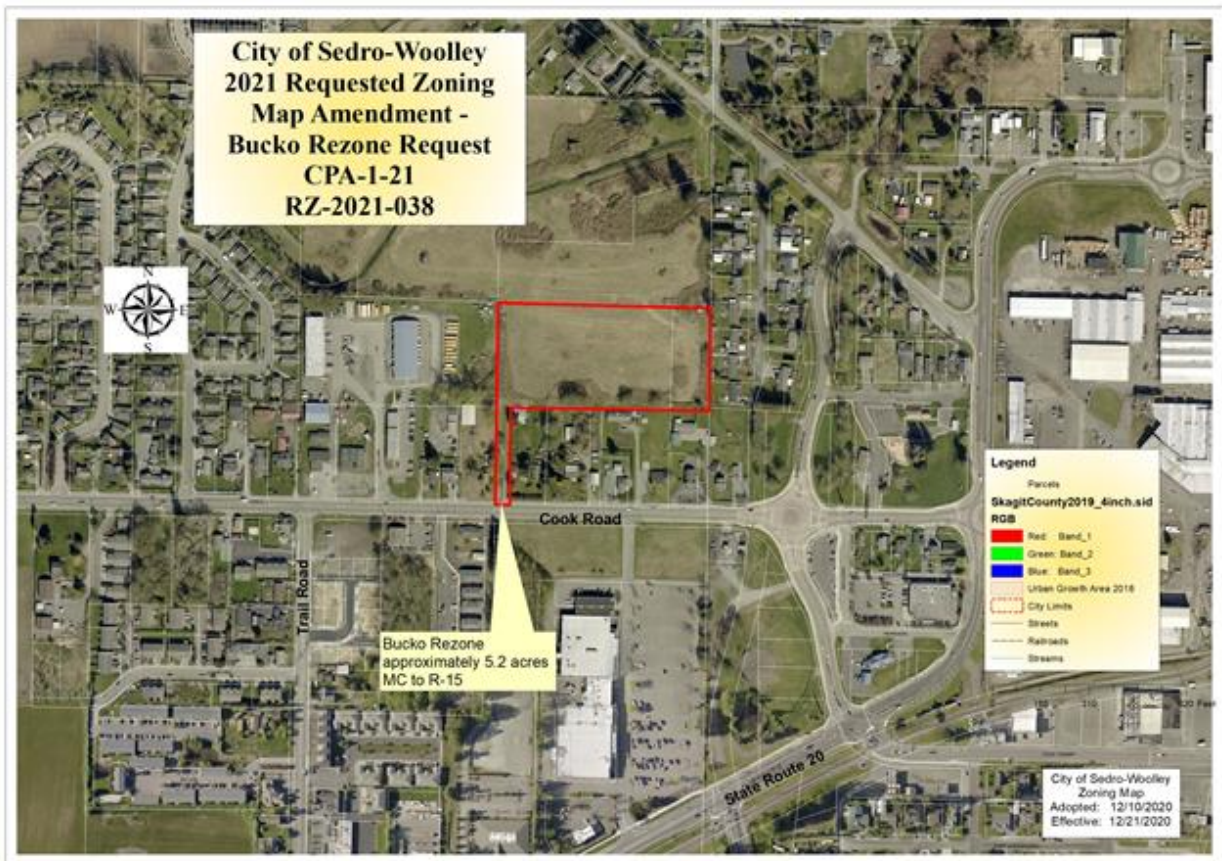


Figure 5 – Aerial view of the Bucko rezone request

As shown in Figure 4, the property to the south of the rezone area is zoned Mixed Commercial. In 2009, the City performed a city-wide rezoning effort. As part of that effort, the city solicited zoning requests. The previous owner of the property (Adolf Bucko) requested that the zoning of parcels P37256 and P37151 be changed from Residential 7 to Mixed Commercial. Because the properties to the south (that front directly on Cook Road) are not very deep, adding parcels P37256 and P37151 to the MC zone allows for a 9.5 acre development, instead of just a shallow (the front properties are only 300' deep), 4.5 acre development. In an effort to create an area large enough for a large commercial development, parcels P37256 and P37151 were included in the Mixed Commercial zone. The property is designated as Farm and Agriculture land under RCW 84.34.02(2) for taxation purposes (Skagit County AF# 200003140007).

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

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

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

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

of land to accommodate the projected residential growth. Losing 5.21 acres of prime commercial land along the Cook Road and Trail Road arterial routes will have impacts on the city's ability to accommodate future retail and commercial growth.

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

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

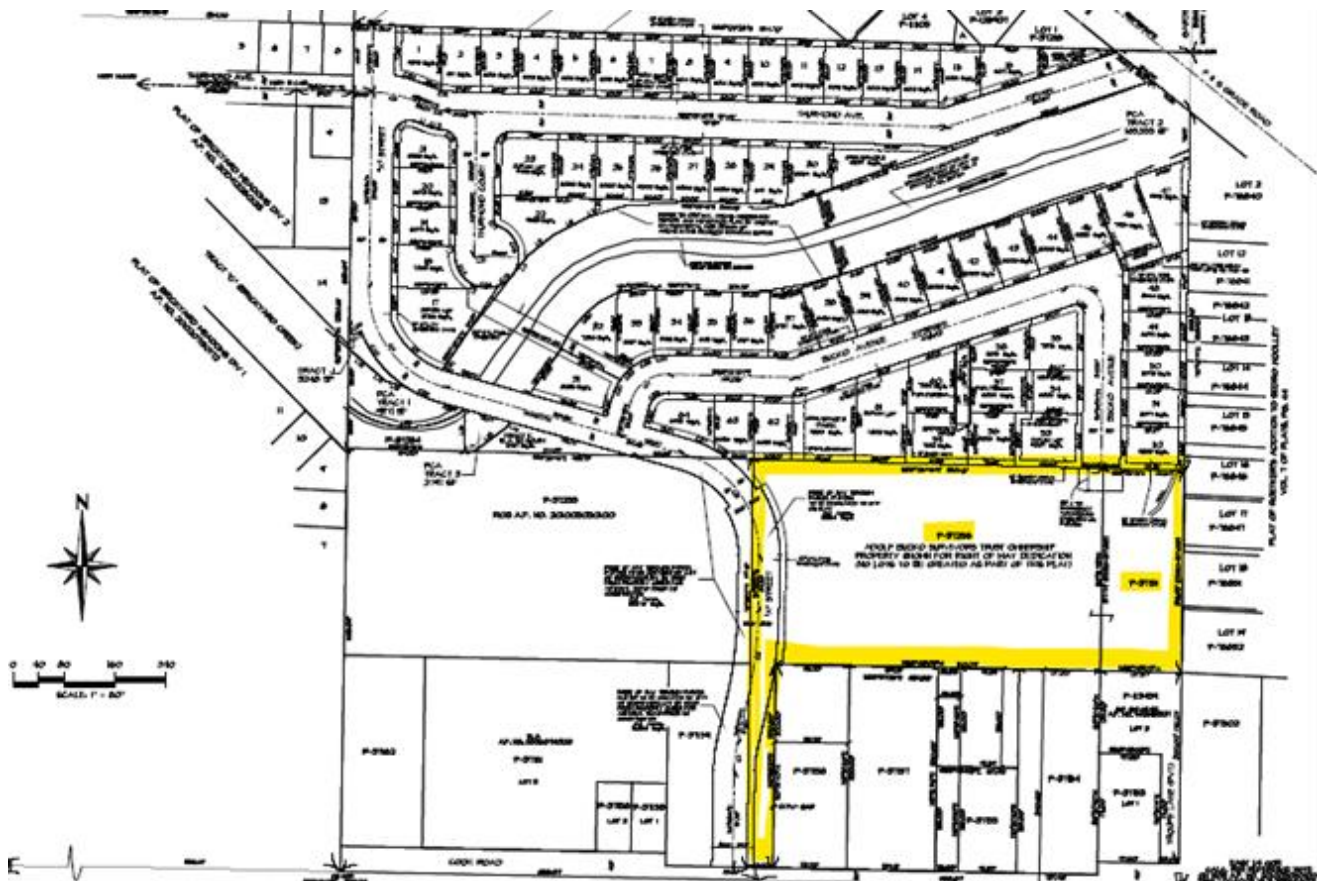


Figure 6 – Proposed plat on property north of the Bucko Rezone. Note that the road serving the proposed subdivision occupies a portion of the western part of the land in the Bucko Rezone

#### *Consistency with Existing Comprehensive Plan*

Staff has reviewed the application materials for rezone request RZ 2021-038, reviewed the site conditions and reviewed the request for consistency with the Sedro-Woolley

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

Policy LU6.6: Encourage community involvement and participation in the land use decision making process, and provide understandable information and notices to affected residents and the press, to enable meaningful involvement and participation.

*The public review process required per Chapter 2.90 SWMC for Comprehensive Plan updates, along with the public notification process that was required for this application, encourages community involvement and participation. On October 7, 2021, notice of the October 19 public hearing (Exhibit D) and Notice of Land Use Application were mailed to all residents within 500 feet and owners of property within 500 feet of the subject parcels (P37256 & P37151). Said notices were also posted along Cook Road on October 6, 2021. Community involvement and participation is encouraged as part of the review for this specific application and the Comprehensive Plan update process. There are no additional public comment periods scheduled for this proposal after the October 19, 2021 public hearing.*

Conclusions: Staff finds that the vacant property is adjacent to other Mixed Commercial properties and will have frontage on an arterial street, thus the property is valuable as commercial property. Staff also finds that the property is intended to accommodate future commercial/retail growth in the city limits. Eliminating the Mixed Commercial designation has negative effects on the city's required commercial land inventory and increases the dependency of the city's residents on commercial development in nearby cities. Such dependency increases regional traffic congestion.

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

Staff further finds that there is adequate amount of developable R-5, R-7 and R-15 land in the city to accommodate the city's 20 population projection. Adding more R-15 land and eliminating Mixed Commercial land will skew the balance of necessary residential and commercial land in the city urban growth area.

Public comments are important to help understand the merits of this request. The public hearing comment period is advertised to close at 4:30 PM on October 19, 2021. The Planning Commission may hold the public comment period for the public hearing open until a later date and time if more input is desired. One public comment has been received as of October 15, 2021 (Exhibit H).

## **RECOMMENDATION**

Hold a public hearing to receive input about the two rezone proposals. After receiving input from the public, the Planning Commission may discuss each file number. No further public hearings are required, but the PC may elect to ask for further hearings of regular PC meetings to review the proposals if necessary.

File# RZ-2020-012 – Public comments are valuable in this case. The Planning Department recommends that the PC hold the public hearing, review the comments received and discuss the proposal. The PC may then make a motion for the City Council to either approve or deny the requested amendments to the Comprehensive Plan and Zoning Maps. This proposal is not significantly supported by the Comprehensive Plan. The PC may make a recommendation at this meeting or request to discuss further at a future meeting.

File# RZ-2020-038 – Public comments are valuable in this case. The Planning Department recommends that the PC hold the public hearing, review the comments received and discuss the proposal. The PC may then make a motion for the City Council to either approve or deny the requested amendments to the Comprehensive Plan and Zoning Maps. This proposal is not supported by the Comprehensive Plan. The PC may make a recommendation at this meeting or request to discuss further at a future meeting.

### **EXHIBITS:**

- A. Residential 5 (R-5) zoning regulations
- B. Mixed Commercial (MC) zoning regulations
- C. Residential 15 (R-15) zoning regulations
- D. Notice of Public Hearing Published in the Skagit Valley Herald October 8, 2021
- E. RZ-2020-012 Ruby Application form
- F. RZ-2021-038 Bucko Application form
- G. RZ-2020-012 Public comments received prior to October 15, 2021
- H. RZ-2021-038 Public comments received prior to October 15, 2021



# EXHIBIT A

## Chapter 17.08 SWMC

### **RESIDENTIAL 5 (R-5) ZONE**

#### 17.08.005 Intent.

The intent of the R-5 zone is to provide a variety of housing opportunities in parts of the city characterized by more rolling terrain or areas that serve as a transition to the unincorporated rural area.

#### 17.08.010 Use restrictions.

Use restrictions in the residential R-5 zone shall be as follows:

##### A. Permitted Uses.

1. One single-family residence per lot;
2. Low-intensity agriculture;
3. Home occupations in compliance with Chapter [17.68](#);
4. Child day care centers meeting state requirements;
5. Adult or family day care facilities meeting state requirements;
6. Accessory dwelling units in compliance with Chapter [17.100](#).

##### B. Conditional Uses.

1. Planned residential developments;
2. Group homes;
3. Dependent relative cottages;
4. Mobile and manufactured home parks in compliance with Chapter [17.48](#);
5. Personal services;
6. Professional offices with no outside storage;
7. Outdoor recreation facilities;
8. Public utilities, excluding wireless communication facilities;
9. Quasi-public uses;
10. Public uses.

C. Prohibited Uses. All uses not listed above, including adult entertainment and wireless communication facilities.

#### 17.08.020 Bulk restrictions.

Bulk restrictions in the residential R-5 zone shall be as follows:

##### A. Minimum Setbacks.

1. Front: twenty feet;
2. Side: one story dwellings and accessory structures shall have a minimum of five feet; a two story dwelling shall have a minimum of eight; and each additional story over two shall have an additional four feet, for each story;
3. Rear: ten feet for residences, five for accessory;
4. Garage Setbacks. Private garages attached to or within the residence shall adhere to the setback requirement of the residence. In all cases, there shall be a minimum off-street

parking apron of twenty-five feet in length directly in front of all garage door entrances when accessing a street either to the front or side of a residence. Where garage doors access an alley, the off-street parking apron shall be at least ten feet.

B. Maximum building height: thirty-five feet except twenty feet for accessory buildings and no height limit for church steeples or bell towers.

#### 17.08.030 Minimum lot size requirements.

Minimum lot size requirements in the residential R-5 zone shall be as follows:

A. Lot area: eight thousand four hundred square feet;

B. Lot width at building line: forty feet;

C. Lot frontage on a public street, approved private street, or approved easement: twenty feet.

#### 17.08.040 Maximum density requirements.

The maximum gross density requirement in the R-5 zone is five units per acre.

#### 17.08.050 Maximum lot coverage.

Maximum lot coverage requirements in the residential R-5 zone shall be as follows:

A. Thirty-five percent;

B. Variances from the maximum lot coverage requirement are permitted, if the applicant can demonstrate that the proposed coverage does not exceed the average lot coverage of lots within one hundred feet of the parcel. Lot coverage can be equal to the average lot coverage but cannot exceed it.

# EXHIBIT B

## Chapter 17.20 SWMC

### MIXED COMMERCIAL (MC) ZONE

#### 17.20.005 Intent.

The intent of this zone is to encourage a compatible mix of commercial and residential development. Standards are intended to present an attractive and welcoming appearance to visitors at the entrances to the city and at selected nodes along major roads; manage traffic impacts; encourage more non-motorized trips and reduce stormwater runoff. Commercial development should be scaled down when adjacent to residential areas to improve compatibility between uses.

#### 17.20.010 Use restrictions.

Use restrictions in the mixed commercial (MC) zone shall be as follows:

##### A. Permitted Uses.

1. Retail, general services, recreational and cultural uses, light manufacturing, low-intensity agriculture;
2. Residential units contained above the first story of a commercial building (live/work units are specifically included), limited to eight such units per building;
3. *Repealed by Ord. 1709-11*;
4. Public utilities, other than wireless communications facilities;
5. Health facilities and services.

##### B. Conditional Uses.

1. Quasi-public uses.
2. Wireless communications facilities.
3. Public uses.
4. All other uses not otherwise prohibited.

##### C. Prohibited Uses. All uses not allowed as permitted or conditional uses are prohibited.

Adult entertainment is a prohibited use in this zone.

#### 17.20.020 Bulk restrictions.

##### A. Minimum setbacks to adjacent zones:

1. Setbacks to residential (R-5, R-7 and R-15) zones: front setbacks on an arterial street shall be a minimum of twenty feet. On a non-arterial street, front setbacks shall be a minimum of ten feet. Side setbacks shall be a minimum of thirty-five feet, which may be reduced to twenty feet if building step-backs as required by the design standards and guidelines are incorporated into the site design pursuant to Chapter 15.44. Rear setbacks shall be a minimum of twenty feet.
2. Setbacks to all other zones: front setbacks on an arterial street shall be a minimum of twenty feet. On a non-arterial street, front setbacks shall be a minimum of ten feet. Side setbacks shall be a minimum of twenty feet. Rear setbacks shall be a minimum of 20 feet.

3. Setbacks to the MC zone: buildings shall maintain a minimum ten-foot setback to all lot lines when adjacent to other properties zoned MC.

B. Maximum building height: thirty-five feet.

Exception: sixty feet, if minimum side and rear setbacks required in subsection A of this section are doubled.

**17.20.030 Minimum lot size requirements.**

A. Lot area: There is no categorical minimum lot size for permitted uses in this zone. However the lot size may be made a condition of approval in design review and conditional uses if relevant in those proceeding.

B. Lot frontage on a public street or private street: twenty feet.

**17.20.040 Hazardous waste.**

On-site hazardous waste treatment and storage facilities as accessory to a permitted or conditional use are allowed a conditional use; provided, such facilities comply with the state hazardous waste citing standards and Sedro-Woolley and State Environmental Policy Act requirements.

**17.20.050 Design review.**

All developments in this zone which are subject to environmental review shall comply with the design review standards of SWMC Chapter 15.44 for conformance with this and other provisions of the city code.

**17.20.060 Parking for residential uses in the MC zone.**

The parking requirements for residential uses in the MC zone shall be as follows:

Studio	1 space
1 bedroom	2 spaces
2 bedrooms	2 spaces
3 bedrooms	3 spaces
4 or more bedrooms	4 spaces
Visitor/overflow spaces	1 additional space per 8 units

Parking spaces counted for residential use shall not also be counted towards non-residential parking requirements of SWMC Ch. 17.36 for this zone.

# EXHIBIT C

## Chapter 17.20 SWMC

### Mixed Commercial (MC) ZONE

#### 17.20.005 Intent.

The intent of this zone is to encourage a compatible mix of commercial and residential development. Standards are intended to present an attractive and welcoming appearance to visitors at the entrances to the city and at selected nodes along major roads; manage traffic impacts; encourage more non-motorized trips and reduce stormwater runoff. Commercial development should be scaled down when adjacent to residential areas to improve compatibility between uses.

#### 17.20.010 Use restrictions.

Use restrictions in the mixed commercial (MC) zone shall be as follows:

##### A. Permitted Uses.

1. Retail, general services, recreational and cultural uses, light manufacturing, low-intensity agriculture;
2. Residential units contained above the first story of a commercial building (live/work units are specifically included), limited to eight such units per building;
3. *Repealed by Ord. [1709-11](#)*;
4. Public utilities, other than wireless communications facilities;
5. Health facilities and services.

##### B. Conditional Uses.

1. Quasi-public uses.
2. Wireless communications facilities.
3. Public uses.
4. All other uses not otherwise prohibited.

C. Prohibited Uses. All uses not allowed as permitted or conditional uses are prohibited. Adult entertainment is a prohibited use in this zone.

#### 17.20.020 Bulk restrictions.

##### A. Minimum setbacks to adjacent zones:

1. Setbacks to residential (R-5, R-7 and R-15) zones: front setbacks on an arterial street shall be a minimum of twenty feet. On a non-arterial street, front setbacks shall be a minimum of ten feet. Side setbacks shall be a minimum of thirty-five feet, which may be reduced to twenty feet if building step-backs as required by the design standards and guidelines are incorporated into the site design pursuant to Chapter [15.44](#). Rear setbacks shall be a minimum of twenty feet.
2. Setbacks to all other zones: front setbacks on an arterial street shall be a minimum of twenty feet. On a non-arterial street, front setbacks shall be a minimum of ten feet. Side setbacks shall be a minimum of twenty feet. Rear setbacks shall be a minimum of twenty feet.



3. Setbacks to the MC zone: buildings shall maintain a minimum ten-foot setback to all lot lines when adjacent to other properties zoned MC.

B. Maximum building height: thirty-five feet.

Exception: sixty feet, if minimum side and rear setbacks required in subsection A of this section are doubled.

**17.20.030 Minimum lot size requirements.**

A. Lot area: There is no categorical minimum lot size for permitted uses in this zone. However the lot size may be made a condition of approval in design review and conditional uses if relevant in those proceeding.

B. Lot frontage on a public street or private street: twenty feet.

**17.20.040 Hazardous waste.**

On-site hazardous waste treatment and storage facilities as accessory to a permitted or conditional use are allowed a conditional use; provided, such facilities comply with the state hazardous waste citing standards and Sedro-Woolley and State Environmental Policy Act requirements.

**17.20.050 Design review.**

All developments in this zone which are subject to environmental review shall comply with the design review standards of SWMC Chapter [15.44](#) for conformance with this and other provisions of the city code.

**17.20.060 Parking for residential uses in the MC zone.**

The parking requirements for residential uses in the MC zone shall be as follows:

Studio	1 space
1 bedroom	2 spaces
2 bedrooms	2 spaces
3 bedrooms	3 spaces
4 or more bedrooms	4 spaces
Visitor/overflow spaces	1 additional space per 8 units

Parking spaces counted for residential use shall not also be counted towards non-residential parking requirements of SWMC Ch. 17.36 for this zone

# EXHIBIT D

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

The City of Sedro-Woolley Planning Commission will hold public hearings on **October 19, 2021 at 6:30 PM**, in the Sedro-Woolley Council Chambers and via Zoom Webinar, to hear testimony regarding the following proposed amendments to the City Comprehensive Plan:

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

1. Rezone request # 2021-038 – Bucko – request to change the zoning designation of roughly 5.2 acres of land from mixed commercial to Residential 15
2. Rezone request # 2020-012 – Ruby – request to change the zoning designation of roughly 3 acres of land from Mixed Commercial to Residential 5

Interested parties can comment on the proposed changes in writing or at the hearing.

**Written comments must be received by 4:30 PM October 19, 2021** to be considered at this public hearing. Send written comments to: City of Sedro-Woolley Planning Department, ATTN: Assistant Planner, 325 Metcalf Street, Sedro-Woolley, Washington, 98284, or by email to [nmcgowan@sedro-woolley.gov](mailto:nmcgowan@sedro-woolley.gov).

Please use the link below to join the webinar:

<https://zoom.us/j/97890927920?pwd=azBTUUlubGgyM2xmRGszNmM4RURKdz09>

Password: 937994

Or Telephone:

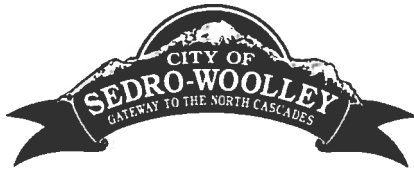
Dial (for higher quality, dial a number based on your current location):

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

Webinar ID: 978 9092 7920

Password: 937994

Published in the Skagit Valley Herald: October 8, 2021



## Exhibit E

to 2021 Docket Staff Report

325 Metcalf Street  
Sedro-Woolley, WA 98284  
Phone (360) 855-0771 Fax (360) 855-0733

### Application for Comprehensive Plan / Zoning Map Amendment

- ☐ Text Amendment  
☒ Map Amendment  
(Check all that apply)

*Note: This application is available as a Word document. Include additional information as necessary on additional sheets of paper and attach to this application.*

Name: Mr. Bob Ruby, Granite Holdings, LLC

Address: 901 Metcalf #34, Sedro-Woolley, WA 98284

Phone: 360.708.2369 E-mail: bobruby8@hotmail.com

1. Describe the purpose or goal of the proposed amendment:

It is proposed to re-zone an existing "Mixed Commercial" area to match the surrounding zone of R-5.

2. How will this improve or benefit the City of Sedro-Woolley in the future?

The rezone will closely match the existing surrounding zoning of the area. There is no benefit or disadvantage to the rezone and its affect on the City.

#### FOR TEXT AMENDMENTS ONLY:

1. What section(s) of the Comprehensive Plan will the proposed amendment affect?

\_\_\_\_\_

2. What section(s) of the S-W Municipal Code will the proposed amendment affect?

\_\_\_\_\_

3. List the proposed or amended text:

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**FOR LAND USE MAP AMENDMENTS ONLY:**

1. Name and address of property owner. If applicant is not the owner, attach a signed statement from the legal owner agreeing to this application:

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

2. Legal description of property(s):

See attached.

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

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

4. Current land use designation/zoning: Mixed Commercial

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

North: Residential 5

South: Residential 5

East: Residential 5

West: Public

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

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

7. Proposed designation: Residential 5

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

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

9. If this is a request to include property in the City of Sedro-Woolley UGA, please address how including the property meets the Skagit County population projections for Sedro-Woolley and demonstrate that the increase in developable land meets the goals and policies of both the city's and county's comprehensive plans. A land capacity analysis may be required.
- 
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- ☐ Completed SEPA Checklist.
- ☐ Names and addresses of property owners and residents within 500' of the subject property. See the attached mailing procedures for instructions.
- ☐ Assessor's 18 X 24" section map of property with subject property highlighted. Other maps may be submitted that help support your proposal.

**Process:**

1. Applications will be accepted through **January 17, 2020**.
2. Applications will be reviewed for completeness. Additional information may be necessary to clarify the application.
3. The Planning Commission reviews all applications and decides which ones merit further study. Applicants will be notified of results of this review. Those which will be reviewed further will be required to pay the **application fee of \$500.00**. Applicant will be billed applicable SEPA fees and for public notice costs, which include publication costs.
4. The applicant is required to post a public notice sign on their property for rezone applications. Please see the attached Affidavit of Posting for instructions.
5. A public hearing will be held by the Planning Commission on the proposed amendments.
6. The Planning Commission will forward its recommendations on each application to the City Council.
7. The City Council will review the Planning Commission's recommendation and vote on each application (the Council may have additional public hearings, or hold joint public hearings with Planning Commission)
8. This process may take up to a year, or longer to fully complete.

Applicant

Date

1/13/20



# **City of Sedro-Woolley**

## **Notice of Application Period for Comprehensive Plan Amendments**

The City of Sedro-Woolley is accepting applications for Comprehensive Plan amendments through January 17, 2020. Applications received on or before this date will be considered for inclusion on the 2020 Docket. Proposed amendments may be to the City Zoning/Land Use map, the text of the Comprehensive Plan or to development regulations.

Application forms are available at City Hall, 325 Metcalf St., during regular business hours, 8:00 AM to 5:00 PM. For additional information, contact the Planning Director at (360) 855-0771.

Date of notice: November 20, 2019

To be published in the Skagit Valley Herald: December 6, 2019 and January 3, 2020

# City of Sedro-Woolley Certificate of Ownership

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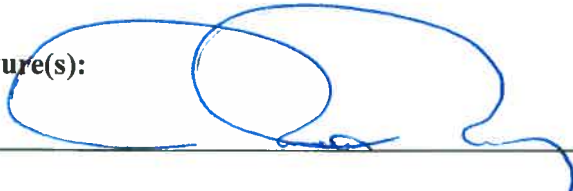
I, Robert H. Ruby, hereby certify under penalty of perjury, that I am the major property owner or officer of the corporation owning property described in the attached application, that I have familiarized myself with the rules and regulations of Sedro-Woolley with respect to filing this application, and the statements, answers and information submitted presents the arguments on behalf of this application are in all respects true and correct to the best of my knowledge and belief.

Street address: 901 Metcalf St #34

City, State, Zip: Sedro Woolley, WA 98284

Phone: (360) 856-4641

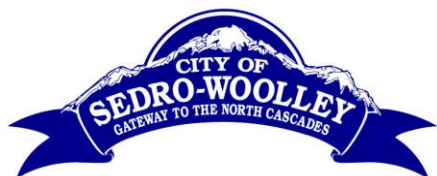
Signature(s):

 member

For:

Granite Holdings, LLC  
(Corporation or company name, if applicable)

Dated this 13 day of Jan, 2020.



## Exhibit F

to 2021 Docket Staff Report

Planning Department

325 Metcalf Street

Sedro-Woolley, WA 98284

Phone (360) 855-0771 Fax (360) 855-0733

### Application for Comprehensive Plan / Zoning Map Amendment

- ☐ Text Amendment  
☐ Map Amendment  
(Check all that apply)

*Note: This application is available as a Word document. Include additional information as necessary on additional sheets of paper and attach to this application.*

Name: Sarah Bucko/Laura Bucko

Address: 13315 NW Overton St. Portland, OR 97229

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

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

#### FOR TEXT AMENDMENTS ONLY:

- What section(s) of the Comprehensive Plan will the proposed amendment affect?

N/A

- What section(s) of the S-W Municipal Code will the proposed amendment affect?

N/A

- List the proposed or amended text:

N/A

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**FOR LAND USE MAP AMENDMENTS ONLY:**

1. Name and address of property owner. If applicant is not the owner, attach a signed statement from the legal owner agreeing to this application:

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

2. Legal description of property(s):

See attached

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

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

4. Current land use designation/zoning: Mixed Commercial

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

North: R-7 South: Mixed Commercial

East: R-7 West: Public

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

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

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

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

9. If this is a request to include property in the City of Sedro-Woolley UGA, please address how including the property meets the Skagit County population projections for Sedro-Woolley and demonstrate that the increase in developable land meets the goals and policies of both the city's and county's comprehensive plans. A land capacity analysis may be required.

N/A

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- ☐ Completed SEPA Checklist.
- ☐ Names and addresses of property owners and residents within 500' of the subject property. See the attached mailing procedures for instructions.
- ☐ Assessor's 18 X 24" section map of property with subject property highlighted. Other maps may be submitted that help support your proposal.

**Process:**

1. Applications will be accepted through **January 15, 2021**.
2. Applications will be reviewed for completeness. Additional information may be necessary to clarify the application.
3. The Planning Commission reviews all applications and decides which ones merit further study. Applicants will be notified of results of this review. Those which will be reviewed further will be required to pay the **application fee of \$500.00**. Applicant will be billed applicable SEPA fees and for public notice costs, which include publication costs.
4. The applicant is required to post a public notice sign on their property for rezone applications. Please see the attached Affidavit of Posting for instructions.
5. A public hearing will be held by the Planning Commission on the proposed amendments.
6. The Planning Commission will forward its recommendations on each application to the City Council.
7. The City Council will review the Planning Commission's recommendation and vote on each application (the Council may have additional public hearings, or hold joint public hearings with Planning Commission)
8. This process may take up to a year, or longer to fully complete.

*Sarah Bucko*

Applicant

1/8/2021

Date

# **City of Sedro-Woolley**

## **Notice of Application Period for Comprehensive Plan Amendments**

The City of Sedro-Woolley is accepting applications for Comprehensive Plan amendments and rezone requests through January 15, 2021. Applications received on or before this date will be considered for inclusion on the 2021 Docket. Proposed amendments may be to the City Zoning/Land Use map, the text of the Comprehensive Plan or to development regulations.

Application forms are available at in the Planning Department website. For additional information, contact the Planning Department at (360) 855-0771.

Date of notice: September 22, 2020

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



# City of Sedro-Woolley Certificate of Ownership

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I, \_\_\_\_\_, hereby certify under penalty of perjury, that I am the major property owner or officer of the corporation owning property described in the attached application, that I have familiarized myself with the rules and regulations of Sedro-Woolley with respect to filing this application, and the statements, answers and information submitted presents the arguments on behalf of this application are in all respects true and correct to the best of my knowledge and belief.

Street address: \_\_\_\_\_

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

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

Signature(s):

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

For:

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

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

# City of Sedro-Woolley

## Mailing Procedure

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

## AFFIDAVIT OF CORRECT NAMES AND ADDRESSES

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

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

**Name of proposed project**

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

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

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

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

\_\_\_\_\_

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

Notary for the State of Washington,

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

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

# City of Sedro-Woolley

## AFFIDAVIT OF POSTING

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Sarah Bucko* .

Applicant

1/8/2021

\_\_\_\_\_  
Date

## SEPA Checklist

## Comprehensive Plan Amendment

Bucko Family Trust  
13315 NW Overton St  
Portland, OR 97229

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

### Land Use Amendment:

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

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

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

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

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

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



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

East: Residential 7 (R7) West: Public

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

7. Proposed designation is Multifamily or R-15.

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

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

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

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

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

9. N/A

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

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

Cheryl Fletcher  
1263 Arrezo Drive

## **Exhibit G**

to 2021 Docket Staff Report

Mrs. Weir,

Good evening! I received a copy of the Development Application for the golf course at Fruitdale and Portobello. Unfortunately, I will be working on CoVid response the date of the public hearing. I would like to request a record of the meeting, if possible, for the Sauk Mountain View Estates North HOA, and would specifically like to know if these properties will be required to be a part of (one of) the existing HOA's, or if they will become a separate one of their own.

If there is anything I can do to be of assistance, please let me know.

Thank you,  
Doug Hartfield, HOA President  
Sauk Mountain View Estates North HOA.

Sedro-Woolley Planning Commission,

#RZ-2020-012

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

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

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

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

Matt and Lisa Howry

Fruitdale golf course land use project

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

Thank you for the opportunity to contribute.

Respectfully,

Terri Judd



RE: rezone request #2020-012, ruby

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

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

Sincerely , Les , Susie Williams, July 19,2020

To our City officials :

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

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

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

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

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

Easements / Setbacks ?

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

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

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

Les and Susie Williams  
9/10/2020

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

<b>Exhibit H</b> to 2021 Docket Staff Report
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**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

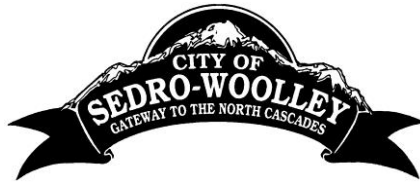
**CAUTION:** This email originated from outside of the City of Sedro-Woolley mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

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

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

Mary and Kevin McGoffin



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

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## **MEMO:**

**To:** Sedro-Woolley Planning Commission

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

**Date:** October 19, 2021

**Subject:** Requested Amendments to the Parking Regulations in the UVMU - Continued

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## **ISSUE**

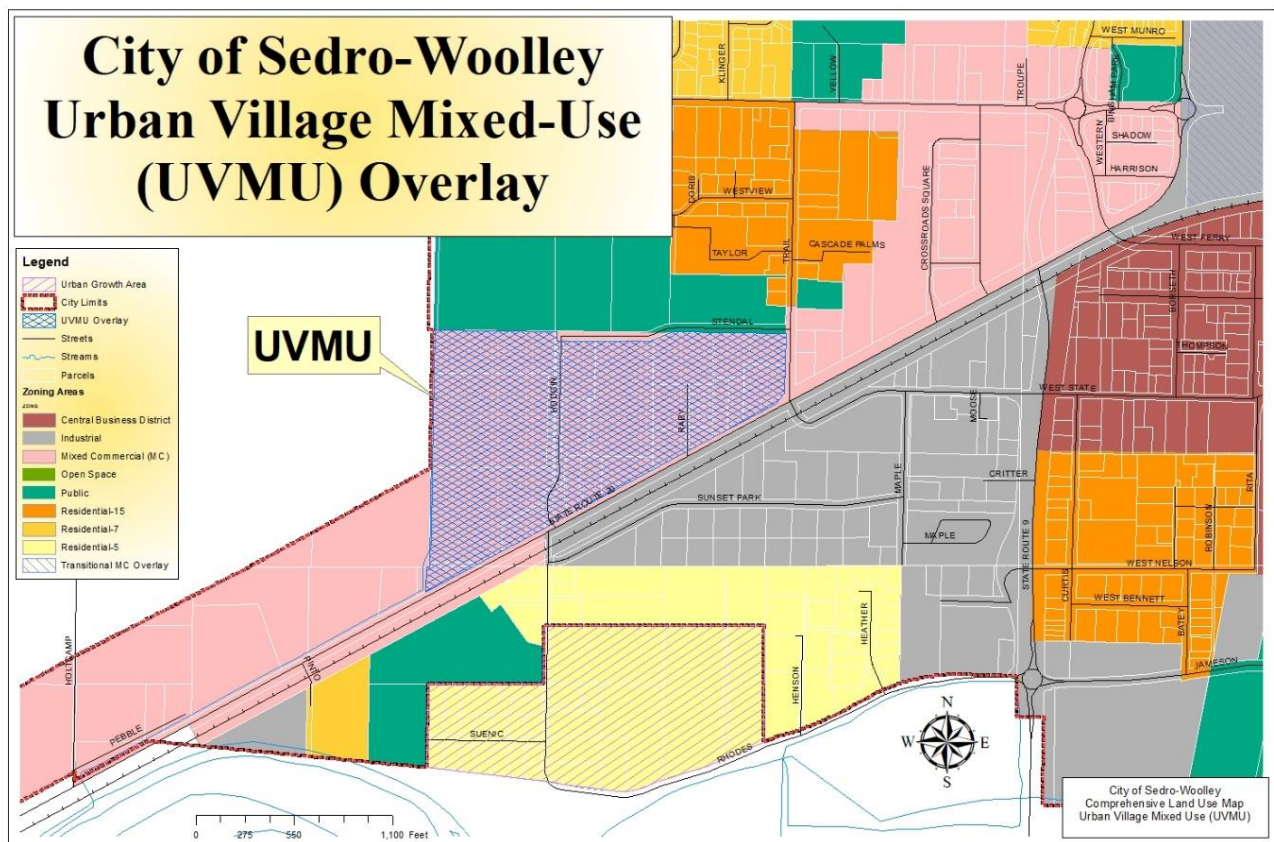
The city has received a request (Attachment 1) to amend the existing parking regulations for the Urban Village Mixed Use Overlay. The Planning Commission reviewed the request at its September 21 meeting and requested additional information. The purpose of today's presentation is to further review the topic and possibly make recommendations to amend the proposed amendments. A public hearing will be scheduled at a subsequent Planning Commission meeting, at which time the Planning Commission may make a recommendation for the Council to consider. It is not recommended that the Planning Commission make any recommendations at tonight's meeting.

## **PROJECT DESCRIPTION/HISTORY**

In 2019, after many years of careful review, the city created regulations to allow for development in the Urban Village Mixed Use (UVMU) Overlay. Those regulations are found in Chapter 17.21 SWMC. This optional overlay applies to an approximately 40 acre area (see map below). The underlying zoning of the area is Mixed Commercial. Owners of property in the UVMU Overlay have the option of developing to the standards Mixed Commercial regulations or opting to take advantage of the UVMU standards in Chapter 17.21 SWMC. There are also design standards for projects in the UVMU. The intent of the overlay area is specified in SWMC 17.21.005:

The intent of this zoning overlay is to encourage a compatible mix of commercial and residential development and more diverse types of residential density. This zoning overlay will provide for more efficient use of resources providing for an integrated mixed-use site plan to include open space, walkability, convenience, environmental protection, enhanced commercial options, reduced dependence on motorized vehicles, and provide for an urban village experience and present an attractive and welcoming appearance to visitors at the western entrance of the city. The UVMU overlay is over an area zoned mixed commercial. The intent of the overlay is to encourage commercial uses first and allow residential uses as an incentive to build commercial space.

please review the UVMU subarea plan (Attachment 2) and the UVMU zoning regulations (Attachment 3) which can also be found directly in Chapter 17.21 SWMC (<https://www.codepublishing.com/WA/SedroWoolley/#!/SedroWoolley17/SedroWoolley1721.html#17.21>).



This year, two developers have applied for permits to build mixed-use projects within the overlay. The first project is by The RJ Group; a building with 9,249 square feet of commercial space on the main floor, with 76 residential units above and behind the commercial space. The project design meets all city standards and is under construction at the corner of Stendal Street and Hodgkin Street. The second project is proposed by BYK Construction at the corner of Stendal Street and Trail Road. This mixed use building has 11,760 square feet of commercial space and a parking garage on the main floor, and 67 residential units above the main floor. This project is still in the permitting process.

#### Request:

The RJ Group and BYK Construction have submitted a joint request to amend the parking regulations in the UVMU development standards (Chapter 17.21 SWMC). Please see request that is included as Attachment A; the request includes their proposed changes to the parking regulations. There are two components to the request: shared parking; and allowing on-street parking to count as the building's parking requirement.

The review the request, see the staff analysis below and be prepared to discuss the proposal further. After the Planning Commission has thoroughly reviewed the request and the parking situation in the UVMU, the Planning Commission will hold a public hearing before making a recommendation to the City Council. The City Council will then have the option to take action on the Planning Commission's



recommendation; the Council's will likely see the results of the Planning Commission's review this winter.

#### Analysis of Shared Parking Request:

Staff researched the industry literature on shared parking. There are benefits to shared parking, but there are also potential drawbacks. Below is a brief discussion.

According to the Southwest Advisory Planning Committee (SWAP), shared parking is "effective in mixed use developments, where retail and/or office demand for parking occurs during the daytime hours, and residential demand peaks in the evening (overnight)"<sup>vi</sup> Shared parking works best where there are specific uses that create clear weekday peaks, evening peaks and weekend peaks. One example is when there is an office component in the day, residential component in the evening and retail on the weekend. In this example, the majority of parked cars for each use will be on the site at different times. **It is important that it can be demonstrated that the hours or days of peak parking need for the uses are so different that a lower total will provide adequately for all uses served by the facility.** SWAP also recommends that the following requirements shall be met:

1. Evidence of reduced parking needs shall be documented and based on accepted planning and engineering practice satisfactory to the city engineer and planner.
2. The planning director shall determine how a combined or multi-use facility shall be broken down into its separate (constituent) components.
3. If a lower total is approved, no changes in any use shall thereafter be permitted without further evidence that the parking will remain adequate in the future, and if the evidence is not satisfactory, then additional parking shall be provided (either on-site, off-site, or via a fee in lieu of parking) before a change in use is authorized.
4. Evidence of continued availability of common or shared parking areas shall be provided to the city council and shall be documented and filed with the site plan if applicable at the Registry of Deeds."

One of the challenges of shared parking is the potential for spillover effects (when there is insufficient parking and drivers park elsewhere or forgo stopping at the location altogether). This is a particularly big challenge for the UVMU because there is no overflow parking available nearby.

Other challenges – and potential solutions - include:

1. If new developments/redevelopments are not required to provide parking and previous developments were, the burden of providing parking may be unfairly distributed on the properties that have been there longer.
  - a. Solution: Maintain required minimums but allow developers to pay a fee in lieu of each required space not provided, with the fees to be used for providing public parking.
  - b. Solution: Allow those with an existing parking supply that exceeds their needs to rent or sell it to newcomers who can't add parking to their sites.
2. Developers may be constrained by requirements from lenders that they provide a certain amount of parking.
3. Working out an agreement between land owners or developers if the uses are not all on the same property can be difficult.
  - a. Solution: The city can provide a model agreement that the parties can use.
4. Mixed-use projects involving residential condominiums with deed-specific parking spaces per unit would make it impossible to share those spaces unless an agreement was reached with either the individual unit owners or the condominium association.
  - a. Solution: Mixed use rental projects offer more opportunity for shared parking.



Staff also researched which local jurisdictions allow shared parking. With the exception of Bellingham, none of the cities in Skagit, Whatcom, or Island County have such provisions. Bellingham allows shared parking in some of their urban villages, but under strict guidelines. The detail involved in the Bellingham shared parking regulations are beyond the scope of what Sedro-Woolley staff has the time or technology to administer. In addition, Bellingham has adopted these standards to achieve their goal of a mode-shift to non-auto. Sedro-Woolley does not have a non-auto goal, nor does the city have the density or transit infrastructure to achieve a non-auto goal. Bellingham's program depends on the city's metered on-street parking to keep the cars that need to park for long periods of timeout of on-street parking spaces.

The proposed amendments in 17.21.080A lack the specificity that industry standards recommend (SWAP recommendations 1-4 above), nor the detail of Bellingham's program. In addition, the city does not have the same transit goals and infrastructure as Bellingham, nor does the city have the ability to accommodate reduced car ownership as the urban villages in Bellingham do. The Bellingham shared parking system depends on a construct of urban amenities (such as dense urban development, the provision of most goods and services with walking distance, and a strong bus system) that allow residents to live car free. Sedro-Woolley cannot provide those urban amenities yet.

#### Analysis of the Use of On-Street Parking Request:

Staff again researched which local jurisdictions allow on-street parking to count towards the required off street parking requirements. None of the cities in Skagit or Island County have such provisions. Bellingham does have a provision in the some of its Urban Villages. However, Bellingham urban villages and the Sedro-Woolley UVMU are very different entities. The practice appears to be limited to select Urban Villages in Bellingham.

Parking on the public right of way belongs to the city. The adjacent property owners do not own the parking on-street, thus on-street parking cannot be reserved for the adjacent building. Because it cannot be reserved, there may not be adequate parking for the development if people that are not using the development use those on-street spaces. There are ball fields across Stendal Street from the UVMU. The ball field users have traditionally parked on Stendal Street. If developments in the UVMU were allowed to count on-street parking, it is likely that there will be times when there may not be adequate parking in the UVMU. It is also inadvisable to allow the adjacent property owner to count the street parking towards their off-street parking requirements because it appears to be a gifting of public property to the adjacent owner.

### **ATTACHMENTS**

Attachment 1 – Request from the RJ Group/BYK Construction to amend the existing parking regulations in the Urban Village Mixed Use Overlay

Attachment 2 – UVMU Subarea Plan

Attachment 2 – Chapter 17.21 – UVMU Zoning regulations

### **RECOMMENDATIONS**

Discuss proposed amendments and be prepared to set a date for a public hearing – possibly at the next Planning Commission meeting.

## **Attachment 1**

to September 21, 2021 UVMU Parking memo –  
Request from the RJ Group/BYK Construction to amend the existing parking regulations in the Urban  
Village Mixed Use Overlay



July 26, 2021

City of Sedro Woolley  
Planning and Development Department  
ATTN: John Coleman, Planning Director  
325 Metcalf Street  
Sedro Woolley WA 98284

Subject: UVMU Code Revision Request

Dear John,

The RJ Group and BYK Construction have come together to make this request for UVMU Code revisions related to parking requirements.

Currently the UVMU parking requirements have two key issues:

1. Commercial parking is required to be provided in addition to residential parking, with no sharing of spaces allowed
2. Off-street parking cannot be counted toward the overall parking count

It is our goal to work with COSW Planning Staff to come up with revised code language to address these issues and allow for more creative solutions to meet the intent of this zone.

As stated in the UVMU code, the intent of this zoning overlay is to provide for a more efficient use of resources within an integrated mixed-use site to include "open space, walkability, convenience, environmental protection, enhanced commercial options, reduced dependence on motorized vehicles and provide for an urban village experience".

Furthermore, the code goes on to say that "the intent of the UVMU overlay is to encourage commerce by creating a pedestrian-friendly environment that accommodates both shoppers and its residents".

When reviewing the intent of the UVMU overlay, and comparing it to the parking requirements as currently written, it is clear that the parking requirements in the code are in fact restrictive to meeting the intent, functionality and experience of an Urban Village.

#### **IMPACTS TO PROPOSED UVMU DEVELOPMENT PROPOSALS**

As stated above, two key issues have been identified in the UVMU parking language.

First, as stated in SWMC 17.21.085, "Parking for commercial uses shall be provided in addition to residential parking requirements." When coupled with the residential parking requirements,

adding commercial parking at the rates required (1 per 300 SF, plus 1 per 600 SF if in excess of 50% of the first floor space) results in large expanses of parking that take up significant site space.

At Gateway Village PH1, for example, an efficient 5 story mixed-use building is proposed with 74 apartment units and a 50% commercial ground floor. The parcel required to contain this project is 94,884 SF (2.17 AC). Of that parcel, 59% of the total area is dedicated to parking. Having such large expanses of parking works against the intent to provide “a reduced dependence on motorized vehicles” and “an urban village experience”.

This situation could be improved by allowing for Shared Parking Agreements between commercial users and residential tenants within the same building. As suggested in the code redlines enclosed here for review, a Shared Parking Agreement would allow for commercial users and residential users to share a certain number of clearly marked parking spaces during business hours.

Allowing for this type of creative solution will still meet the needs of commercial businesses during the day and allow for reduced expanses of parking to help provide a better urban village experience for all users. The proposed shared parking agreement would be approvable at the discretion of the Planning Director, allowing for discussion between the developer and City about the best way to achieve this shared parking on a project by project basis.

Second, we would like to request the addition of parking language to the UVMU code that will allow for any on-street parking developed within the ROW to be counted toward the total on-site (“off-street”) parking count. On-street parking in the ROW that is directly adjacent to any proposed UVMU project will work to serve the proposed development, especially those commercial spaces with public street frontage.

As stated in SWMC 17.21.080 (B), “Off-street parking shall be provided for residential dwellings, commercial and retail uses in the UVMU overlay.” Although this code language does not outright restrict a developer from including on-street parking in the overall parking count for the site, there is precedent in COSW that on-street parking cannot be counted toward a project's total on-site parking count. Our team proposes new language be added in SWMC 17.21.080 that allows for on-street parking to count toward a UVMU project's total parking requirement. See the enclosed UVMU redlines for proposed new language details in SWMC 17.21.080 (C).

Allowing for projects in the UVMU to count any public on-street parking stalls toward the overall project parking count works to meet the intent of the UVMU overlay and provide a more pedestrian friendly site design. This measure will allow for a reduced on-site parking requirement which works to create a better “urban-village experience” while still providing adequate parking for users to access the site.

From a development perspective, it is important to note that building on-street parking stalls in the ROW in addition to a full parking area that meets the requirements of a UVMU project per code creates a redundant development cost for these parking spaces. The developer is

essentially paying to develop parking spaces in the ROW that are above and beyond the spaces required to serve their project – effectively resulting in the developer paying twice for these duplicate parking improvements.

If street parking is proposed as part of a UVMU projects civil improvements, then a developer should be allowed to count these street parking spaces toward the overall project parking count. This will help to offset any duplicate construction costs and aid in project finance-ability.

### **BENEFITS OF PARKING LANGUAGE UPDATES**

The UVMU parking language changes proposed here will benefit both the Sedro-Woolley community at large and private developers working within this overlay area.

The proposed language changes will benefit the community in the following ways:

1. Provide much needed housing options in the City of Sedro Woolley. Record low vacancy rates and a lack of availability of housing is a large stress on the community. By making UVMU development more feasible and palatable to developers we can provide more housing options to meet the needs of the community.
2. Help create urban village areas with a better “urban village experience” for users by reducing large expanses of parking.
3. Work toward a community with reduced dependence on motorized vehicles.
4. Provide an option for residents and commercial businesses to thrive in a pedestrian friendly environment.

The proposed language changes will benefit developers working in the UVMU in the following ways:

1. Create better project finance-ability by reducing redundant construction costs
2. Create better project finance-ability by creating a better cost ratio between required land improvements and building value
3. Help incentivize developers to build high density housing options and commercial spaces to meet the community’s needs, particularly housing needs.
4. Allow for more creative site design options through an option like the shared parking agreement
5. Allow for better site utilization to create an enhanced urban village experience for site users

### **SUMMARY**

Overall, making modifications to the UVMU code language as suggested in the attached document will provide various benefits to the community and will help to incentivize development within this zone.

Several small changes could result in a much more desirable end product that will work to meet the UVMU design intent and create a more palatable and financially feasible project for developers. If developers are incentivized to build in the UVMU, then the City of Sedro Woolley will benefit through the gain of residential housing options and desired commercial opportunities.

Please review the attached redlined UVMU code with our proposed changes shown in red. We would be happy to meet to discuss this language further and look forward to working with COSW staff to come up with a mutually acceptable code revision.

Warm Regards,

*Devon Caines*

Devon Caines  
Senior Project Manager, The RJ Group

A handwritten signature in blue ink, appearing to read 'Rob Janicki', with a stylized flourish at the end.

Rob Janicki  
Owner, The RJ Group

A handwritten signature in black ink, appearing to read 'Paul Woodmansee', with a stylized flourish at the end.

Paul Woodmansee  
President, BYK Construction Inc

## **Chapter 17.21**

### **URBAN VILLAGE MIXED-USE (UVMU) OVERLAY**

Sections:

[17.21.005 Intent.](#)

[17.21.010 Applicability.](#)

[17.21.015 Definitions.](#)

[17.21.020 Use restrictions.](#)

[17.21.025 Bulk restrictions.](#)

[17.21.030 Minimum lot size requirements.](#)

[17.21.040 Maximum density requirements and mixed uses.](#)

[17.21.050 Open space.](#)

[17.21.060 Building height.](#)

[17.21.065 Design standards.](#)

[17.21.070 Hazardous waste.](#)

[17.21.080 Parking—General.](#)

[17.21.085 Parking for commercial uses in the urban village mixed-use zone.](#)

[17.21.090 Parking for residential uses in the urban village mixed-use zone.](#)

[17.21.100 Integrated site plan.](#)

[17.21.110 Integration with Brickyard Creek.](#)

#### **17.21.005 Intent.**

The intent of this zoning overlay is to encourage a compatible mix of commercial and residential development and more diverse types of residential density. This zoning overlay will provide for more efficient use of resources providing for an integrated mixed-use site plan to include open space, walkability, convenience, environmental protection, enhanced commercial options, reduced dependence on motorized vehicles, and provide for an urban village experience and present an attractive and welcoming appearance to visitors at the western entrance of the city. The UVMU overlay is over an area zoned mixed commercial. The intent of the overlay is to encourage commercial uses first and allow residential uses as an incentive to build commercial space. (Ord. [1931-19](#) § 2 (Exh. A) (part), 2019)

#### **17.21.010 Applicability.**

This chapter shall apply to areas within the city of Sedro-Woolley designated urban village mixed-use (UVMU) overlay as shown on Sedro-Woolley comprehensive zoning map. (Ord. [1931-19](#) § 2 (Exh. A) (part), 2019)

#### **17.21.015 Definitions.**

These definitions are in addition to and reference Section [17.04.030](#), Definitions.

“Motel” means a commercial building (or buildings) providing lodging for ten or more persons on a transient basis. Cooking facilities may be installed. Motels shall be designed to accommodate the automobile tourist or transient, daily maid service shall be provided, and parking facilities must be provided convenient to each guest room.

“Open space” means land which is free of buildings and is landscaped or pedestrian amenities are provided in compliance with the open space requirements in this chapter.

“Townhouse” means a dwelling in a row of units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common walls.

“Usable open space” means land which is free of buildings and is open to public and that serves public use of outdoor recreation and similar activities. (Ord. [1931-19](#) § 2 (Exh. A) (part), 2019)

“Shared Parking Agreement/Arrangement” means a written agreement, approved by the Planning Director, that allows for the shared use of parking spaces between commercial and residential users within any one building/project.

#### **17.21.020 Use restrictions.**

Use restrictions in the UVMU overlay zone shall be as follows:

A. Permitted uses for street-facing units on the first floor on Hodgin Street, State Route 20 (including the access driveway north of Parcels A through C of the Gateway Binding Site Plan), Trail Road and Stendal Street are listed below. Uses on the floors above the ground floor shall be regulated per subsection B of this section. Similarly, uses on the first floor that face the opposite side of the main street-facing side that meet the requirements of Section [17.21.040](#) shall be regulated per subsection B of this section:

1. Retail and wholesale sales;
2. Food/drinking venues such as restaurants and taverns;



3. Banks and similar services;
4. Temporary lodging, including hotel/motel; and
5. Recreational and cultural uses.

B. Permitted Uses in Portions of UVMU Not Fronting on Hodgkin, Trail, State Route 20 (Including the Access Driveway North of Parcels A through C of the Gateway Binding Site Plan) or Stendal Streets.

1. Retail and wholesale sales;
2. Professional services;
3. General services;
4. Offices;
5. Recreational and cultural uses;
6. Food venues such as restaurants and taverns;
7. Banks and similar services;
8. Commercial day care centers;
9. Multifamily residential (townhouse, apartment, condominium) of four units or more, as part of a mixed-use site development;
10. Residential units above the first story of a commercial building in varied densities;
11. Temporary lodging, including hotel/motel and bed and breakfast guesthouse; and
12. Health facilities and healthcare, excluding overnight accommodations.

C. Conditional Uses.

1. Outdoor recreation facilities;

2. Public utilities, excluding wireless communication facilities;
3. Quasi-public uses;
4. Public uses;
5. Retirement/assisted living facilities;
6. Small-scale wood/metal fabrication; shop space.

D. Prohibited Uses.

1. Adult entertainment;
2. Wireless communication facilities; and
3. All uses not listed above. (Ord. [1931-19](#) § 2 (Exh. A) (part), 2019)

**17.21.025 Bulk restrictions.**

Minimum setbacks for commercial and mixed-use buildings: none. Maximum setbacks: ten feet. These may be larger if exclusively used for pedestrian access and amenities. This does not include parking and any other accommodations for motorized vehicles. Sites shall be developed in a coordinated manner, complementing adjacent structures and uses through placement, size and mass.

Residential multifamily structure setbacks: ten-foot front yard; five-foot side yard(s); ten-foot rear yard; minimum twenty-foot buffer from commercial uses. In the event setbacks do not apply given large site areas and proximity to property lines, minimum setbacks shall be considered minimum yard requirements to public sidewalks and adjacent structures. (Ord. [1931-19](#) § 2 (Exh. A) (part), 2019)

**17.21.030 Minimum lot size requirements.**

No minimum lot size requirements for the UVMU overlay. (Ord. [1931-19](#) § 2 (Exh. A) (part), 2019)

**17.21.040 Maximum density requirements and mixed uses.**

A. Residential Density. The UVMU overlay is intended for a range of multifamily, multi-level structures with density not to exceed thirty-five dwelling units (DU) per acre. The urban village mixed-use zone is not intended for single-family residences. Thirty-five DU per acre is a maximum density and is

intended to encourage flexibility in dwelling unit densities and types of structures providing for a diversity of dwelling unit types and efficiencies associated within mixed-use development. This overlay will allow for multifamily, multi-level buildings with varying densities (not to exceed thirty-five DU per acre), dedicated to residential uses. Allowed number of units shall be calculated by dividing the total site area (less area encumbered by wetlands, fish and wildlife habitat conservation areas and their respective buffers per Chapter [17.65](#)) by the maximum units allowed per acre and rounding down to the nearest whole number. Land area encumbered by wetlands, fish and wildlife habitat conservation areas and their respective buffers per Chapter [17.65](#) do not count towards the density allowed, but may count as open space per Section [17.21.050](#).

B. In mixed-use commercial and residential structures consisting of apartments or condominiums over commercial uses, no less than fifty percent of ground level floor space shall be a commercial use.

C. Residential structures without a commercial or retail component shall not exceed a one-to-one ratio of finished square foot space to finished commercial space on site; not to include indoor parking areas or garages in ratio calculation.

D. Residential uses may also be integrated with retail or office within the same building structure. There is no minimum or maximum commercial or residential unit densities per structure. (Ord. [1931-19](#) § 2 (Exh. A) (part), 2019)

**17.21.050 Open space.**

Open space shall constitute a sliding percentage of gross acreage subject to provisions of other amenities as specified in the city design standards and guidelines and as stated in UVMU design standards.

Of the minimum percent gross open space, a sliding percent must be landscaped and integrated into site plan, and must be useable public open space.

**Table 17.21.050(1)**

<b>Density (units per acre)</b>	<b>Open Space (% of total site)</b>	<b>Usable Public Open Space (% of total site)</b>
35 Units	30%	25%
30 Units	25%	20%
≤25 Units	20%	15%

(Ord. [1931-19](#) § 2 (Exh. A) (part), 2019)

**17.21.060 Building height.**

Maximum building height:

A. Mixed-use or commercial buildings fronting on Hodgin Street, Trail Road, State Route 20 (including the access driveway north of Parcels A through C on the Gateway Binding Site Plan) or Stendal Street: sixty feet. Fifty percent of any building stories above the third story shall be stepped back eight feet from the street frontage side of the building. Recessed balconies can count for up to fifty percent of the required step-back.

B. Maximum building height for mixed-use or commercial buildings not fronting on the areas described in Section [17.21.020](#)(A): thirty-five feet. Exception: sixty feet, if adequate access for the fire department's ladder truck is provided and the fire lane and fire apparatus access are approved by the fire chief.

C. Standalone residential apartments/condominiums: thirty-five feet. Exception: forty-five feet, if adequate access for the fire department's ladder truck is provided and the fire lane and fire apparatus access are approved by the fire chief.

D. Standalone townhomes: thirty-five feet. (Ord. [1931-19](#) § 2 (Exh. A) (part), 2019)

**17.21.065 Design standards.**

The UVMU is intended to create a pedestrian-friendly environment while also accommodating vehicular traffic and parking. All development utilizing this chapter (UVMU overlay) is subject to the UVMU design standards section of the Sedro-Woolley Design Standards and Guidelines Manual in addition to any other applicable sections of the manual. Where conflict between sections

of the design standards exists, the additional standards for the urban village mixed-use overlay shall apply. (Ord. [1931-19](#) § 2 (Exh. A) (part), 2019)

**17.21.070 Hazardous waste.**

On-site hazardous waste treatment and storage facilities as accessory to a permitted or conditional use are allowed as a conditional use; provided, such facilities comply with the state hazardous waste siting standards and Sedro-Woolley and State Environmental Policy Act requirements. (Ord. [1931-19](#) § 2 (Exh. A) (part), 2019)

**17.21.080 Parking—General.**

A. Intent. The intent of the UVMU overlay is to encourage commerce by creating a pedestrian-friendly environment that accommodates both shoppers and its residents. Providing adequate parking without creating large expanses of parking lots in front of commercial businesses is key to the success of the UVMU overlay.

The creation of a mixed-use parking district shall be encouraged. Parking may be constructed and maintained for motor vehicles, bicycles or other non-motorized transportation, lease parking and/or other parking that promotes alternatives to driving single-occupant motor vehicles.

New development may utilize a shared parking arrangement subject to review and approval by the planning director **to allow for shared parking between commercial and residential users in the same building. Any shared parking spaces covered by a shared parking agreement shall be clearly marked with signage that shows the allowed parking uses per the approved agreement. For example “Commercial Parking Only During Business Hours, M-F 9am-5pm”. Enforcement of the terms/rules of a shared parking agreement shall be the responsibility of the building manager to enforce. Fines and fees for enforcement of any shared parking rules may be utilized at the discretion of the building manager, per the terms of the shared parking agreement.**

Partially underground parking structures are encouraged with either landscape or constructed buffers to minimize visual impacts of parking. The Sedro-Woolley design standards and guidelines apply to location and design of parking lots.

Private driveways, garages and garage entrances shall be at rear and side of buildings; unless deemed unfeasible by civil engineer or planning director.

The city may enter into a developer agreement (or similar binding agreement) and collect in-lieu fees to develop and manage a mixed-use parking district.

B. Off-street parking shall be provided for residential dwellings, commercial and retail uses in the UVMU overlay. (Ord. [1931-19](#) § 2 (Exh. A) (part), 2019)

C. On-street parking developed within the public ROW is eligible to be counted toward the total onsite parking count for any commercial use that fronts on said on-street parking, as long as that on-street parking is constructed as part of the project improvements.

**17.21.085 Parking for commercial uses in the urban village mixed-use zone.**

Subject to any shared parking as approved under Section [17.21.080](#), parking shall be provided as follows: A minimum of one parking space per three hundred square feet of gross commercial floor area shall be provided. If more than fifty percent of the gross floor area of the first floor is used as commercial area, then only one parking space per six hundred square feet shall be required for the commercial space in excess of fifty percent of the gross first floor commercial space. Parking for commercial uses shall be provided in addition to residential parking requirements. (Ord. [1931-19](#) § 2 (Exh. A) (part), 2019) unless a shared parking agreement identifying shared parking spaces between commercial and residential users in the same building is proposed and approved by the planning director.

**17.21.090 Parking for residential uses in the urban village mixed-use zone.**

Subject to any shared parking as approved under Section [17.21.080](#), parking shall be provided as follows:

**Table 17.21.090(1)**

Townhouse:	1 space per bedroom up to 2 bedrooms, 0.5 space per additional bedroom over 2 bedrooms
Apartment or condominium:	
Studio	1.2 per dwelling unit
One bedroom	1.5 per dwelling unit
Two bedroom	1.7 per dwelling unit

Three bedroom or larger	1 space per bedroom up to 2 bedrooms, 0.5 space per additional bedroom over 2 bedrooms
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(Ord. [1931-19](#) § 2 (Exh. A) (part), 2019)

#### **17.21.100 Integrated site plan.**

It is the intent of the UVMU to allow for mixed-use development in the context of development for the entire site. The site design shall consider the entirety of the UVMU overlay to achieve a cohesive mixed-use environment that incorporates mixed-use structures, and single use structures (such as structures entirely consisting of either residential or commercial uses). The adjacent land uses consist of public-owned land, commercially zoned land and industrially zoned land. The edges of the UVMU do not abut residential land; therefore, provisions to taper down the scale and height of the buildings at the edges of the UVMU are not specifically required; however, such tapering is encouraged. Although the entire UVMU is intended to be cohesive in design and infrastructure services, the individual properties may be subdivided and owned by different owners. (Ord. [1931-19](#) § 2 (Exh. A) (part), 2019)

#### **17.21.110 Integration with Brickyard Creek.**

A. Intent. The Brickyard Creek corridor shall be an integrated amenity of any development in the UVMU overlay. The creek has a riparian buffer per the critical areas ordinance (Chapter [17.65](#)). Public access via a public trail along the length of the creek is encouraged by the Sedro-Woolley comprehensive plan, subject to the criteria in Chapter [17.65](#). It is the intent of the UVMU overlay to incorporate public access along the creek corridor. It is not the intent of the UVMU overlay to allow development that is blocked visually or physically from the creek corridor.

B. Orientation of Residential and Commercial Uses on Creek Corridor. Development adjacent to the creek corridor shall maintain a pedestrian-friendly aesthetic along with a pedestrian connection to the public trail within the creek corridor. Views of the creek from adjacent residential development shall be incorporated in design plans. Seating areas for restaurants and cafes are encouraged along the riparian area. Because a pedestrian trail in the riparian area is an anticipated requirement of development along Brickyard Creek, walls and building elements facing the creek corridor shall not be designed to have service areas or blank walls facing the creek. (Ord. [1931-19](#) § 2 (Exh. A) (part), 2019)





## **Attachment 2**

to September 21, 2021 UVMU Parking memo –  
UVMU Subarea Plan

**Ordinance No. 1932-19**

**AN ORDINANCE OF THE CITY OF SEDRO-WOOLLEY, WASHINGTON ADOPTING A NEW SUBAREA PLAN FOR THE URBAN VILLAGE MIXED USE OVERLAY INTO THE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN.**

**WHEREAS**, the City of Sedro-Woolley adopted Ordinance 1629-08 adding the definition Urban Village Mixed Use Overlay to the *Land Use Element of the City of Sedro-Woolley Comprehensive Plan* and added the geographic extent of the Urban Village Mixed Use (UVMU) Overlay into the *Sedro-Woolley Comprehensive Land Use Map*; and

**WHEREAS**, the City of Sedro-Woolley Planning Commission held seventeen meetings to discuss proposed regulations regarding the Urban Village Mixed Use Overlay and recommended that the City Council adopt the attached amendments; and

**WHEREAS**, at least one public hearing was conducted before the Sedro-Woolley Planning Commission on various dates; and

**WHEREAS**, the Sedro-Woolley City Council has adopted regulations enabling development in the Urban Village Mixed Use Overlay area to ensure that future development does not have an adverse impact on the surrounding city and community as a whole; and

**WHEREAS**, environmental review of the UVMU Subarea Plan has been completed and a Determination of Non-Significance was issued July 2, 2019, and that document is adopted by reference; and

**WHEREAS**, in compliance with RCW36.70A.115, the City finds that the amendments to the Subarea Plan conform with and implement the Comprehensive Plan and the city's development regulations; and

**WHEREAS**, the proposed ordinance is in the best interest of the citizens of Sedro-Woolley and promotes the health, safety and welfare of the citizens of the City of Sedro-Woolley; and

**WHEREAS**, the City Council adopts the forgoing as its findings of fact justifying its adoption of this Ordinance; now, therefore,

**NOW THEREFORE THE CITY COUNCIL OF THE CITY OF SEDRO-WOOLLEY DOES ORDAIN AS FOLLOWS:**

**Section 1.** The City Council hereby adopts by reference the Planning Commission's *Findings of Fact, Conclusions and Recommendations* as the City Council's *Findings of Fact*.

**Section 2.** The Sedro-Woolley Comprehensive Plan is hereby amended to include a new UVMU Overlay Subarea Plan into the Land Use Element of the as set forth in the attached Exhibit A.

**Section 3.** This ordinance shall take effect on August 13, 2019, which is more than five (5) days after the approval by the City Council and publication as provided by law.

**Section 4.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

**PASSED** by majority vote of the members of the Sedro-Woolley City Council this 24<sup>th</sup> day of July, 2019, and signed in authentication of its passage this 25<sup>th</sup> day of July, 2019.

By:

  
JULIA JOHNSON, Mayor

Attest:

  
DOUG MERRIMAN, Finance Director

Approved as to form:

  
ERON BERG, City Attorney

Published: July 29, 2019

# Exhibit A

To Ordinance No. 1932-19

New UVMU Subarea Plan to be adopted into the Comprehensive Plan

# Urban Village Mixed Use Overlay

## Subarea Plan



**June 2019 Draft**

Sedro-Woolley Planning Department  
325 Metcalf Street Sedro-Woolley, WA



<b>Table of Contents</b>	page 1
1. Introduction	page 2
1.1 Growth Management Planning in Sedro-Woolley	page 2
1.2 Background to the creation of the UVMU Overlay	page 3
1.3 Existing Land Use in the UVMU Area	page 4
2. Purpose	page 4
2.1 The Subarea Plan and New Urbanism	page 5
2.2 Model Results	page 6
3. Urban Village Mixed Use Goals and Policies	page 8

## List of Figures

1. UVMU Overlay Area as shown on Comprehensive Land Use Map	page 3
2. Undeveloped lot formerly intended for grocery chain	page 4
3. Illustration of the principles of New Urbanism	page 5
4. Model based on UVMU Overlay Zoning Code and Design Standards	page 7
4.1 View 1 of Model	
4.2 View 2 of Model	
4.3 View 3 of Model	
4.4 View 4 of Model	

# 1. Introduction

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## 1.1 Growth Management Planning in Sedro-Woolley

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Cities in Washington State are required by the Growth Management Act (GMA) to plan for 20 years of projected population and employment growth. Per the GMA, these projections are to be updated periodically (every eight years unless changes by the State Legislature). The cities within Skagit County work with the County to update each city's growth projections and then the cities develop plans to accommodate the projected growth. In Skagit County, the Growth Management Steering Committee recommends 20-year growth projections, then the Skagit County Board of County Commissioners (BCC) reviews that recommendation and adopts the final growth projections. Those projections can be found in the Countywide Planning Policies adopted by the BCC.

The city of Sedro-Woolley uses many tools to plan for and accommodate the projected population growth within the city urban growth area. One of the tools specified in the Land Use Element of the Sedro-Woolley Comprehensive Plan is the creation of an urban village overlay. The Introduction to the Sedro-Woolley Comprehensive Plan identifies several goals and policies to address the goals of the GMA. These general goals and policies focus on encouraging development in urban areas; reducing/preventing sprawl; providing well-planned, efficient multi-modal transportation systems; providing diverse and affordable housing options; encouraging economic development; protecting property rights; retaining open space for recreation; and protecting the environment for current and future residents while preserving the city's existing character.

The UVMU is intended to help the city accommodate the 20-year growth projections with those general GMA Goals in mind. In addition to the expanding in a well-planned manner at the edge of the city through annexations – primarily for residential development – higher densities of residential and commercial development are planned within the existing city limits near infrastructure that can support development. This is done in an environmentally and aesthetically rational way, under compliance with the GMA. Planning efforts strive to maintain an intentional balance of residential, commercial and industrial uses. The provision of new commercial space is intended to keep up with the residential growth within the city to maintain that balance. The Urban Village Mixed Use (UVMU) area just off State Route 20 has been identified as one of high potential for the kind of development that will promote the sort of urban environment for which the city strives. In the UVMU area, Commercial space is required, while allowing for residential uses in close proximity, thereby reducing vehicle trips, reducing housing pressure on the edge of the city and providing a diverse, affordable housing options.



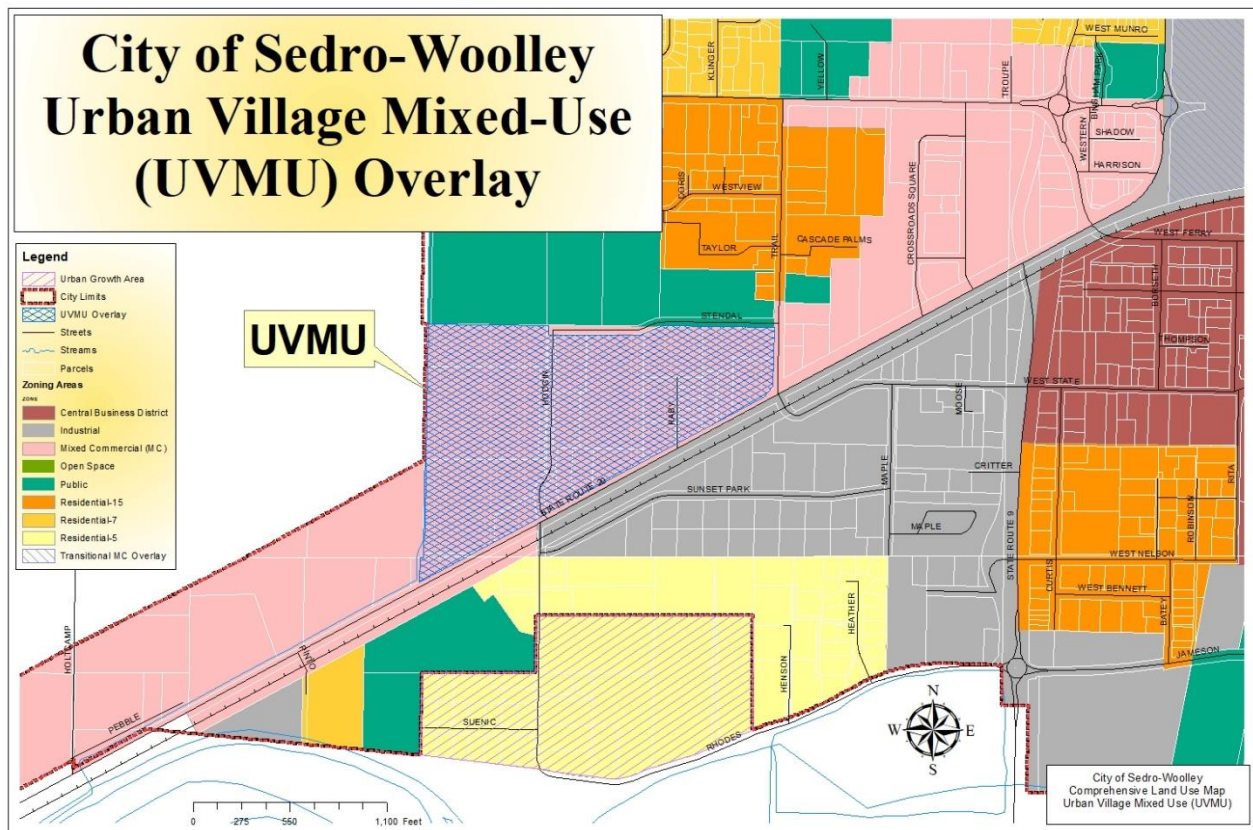


Figure 1. UVMU Overlay Area as shown on Comprehensive Land Use Map

## 1.2 Background to the Creation of the UVMU Overlay

In 2008, at the request of the property owners of several properties west of Trail Road and east of Brickyard Creek, the City of Sedro-Woolley created a zoning overlay called the Urban Village Mixed Use Overlay (UVMU). The roughly 40 acre area included in the UVMU is depicted in Figure 1. An overlay is an optional zoning layer of which the property owner may take advantage. The property is still zoned Mixed Commercial, so a property owner may develop their property using the Mixed Commercial zone regulations in Chapter 17.20 of the Sedro-Woolley Municipal Code (SWMC). However, if the owner desires to create more housing units than are allowed per the standard Mixed Commercial zoning regulations, then that owner may elect to develop the property per the UVMU Overlay standards.

The UVMU Overlay is intended to allow property owners in the area to build taller buildings with more residential units than would normally be allowed in the underlying Mixed Commercial zone. In exchange, the property would be developed in a manner that improves the aesthetics and pedestrian amenities through development regulations and design standards that exceed the standards of the underlying Mixed Commercial zone. “Urban Village Mixed Use” is defined in the Comprehensive Plan as “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.”

In 2008 the UVMU was incorporated into the Land Use Element of the Comprehensive Plan amendments. However, the zoning regulations and design standards that enable property developers to use the UVMU Overlay were not completed until 2019. The zoning code specifies uses that are allowed and many of the technical performances required. A separate chapter in the Sedro-Woolley Design Standards and Guidelines has been adopted to address the additional standards and guidelines for development in the UVMU. Those additional standards provide detailed standards for the design of structures and open space amenities as well as driveways and parking. The Goals and Policies of this Subarea Plan help guide the specific zoning regulations and design standards for the UVMU.

### 1.3 Existing Land Use in the UVMU Area

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The UVMU area is located along the north side of State Route 20, northward to Stendal Street. It runs westward from Trail Road to Brickyard Creek. The area includes properties on the west side of Hodgin Street between Brickyard Creek and Hodgin Street. To the north of the UVMU are school district-owned baseball and soccer fields. The properties to the south, across State Route 20 and the BNSF railway, are zoned for industrial use and the land uses in that area are largely industrial. To the east of the UVMU the property is zoned Mixed Commercial. The uses east of the UVMU include single story commercial uses used for sales and repair and a single family home. West of the UVMU is agricultural land that lies outside the city limits and one small commercial/industrial use along State Route 20.

Existing uses within the UVMU area are restaurants, storage, gas stations, an RV repair company, single-family homes and a shuttered caged egg layer operation/compost facility. A large national grocery chain had planned to build a store within the area that is now the UVMU; a traffic light was installed at the intersection of Hodgin Street and State Route 20 to accommodate the projected traffic impacts of the grocery store. However, the plans for the grocery store fell through and the lot they intended to occupy has since remained undeveloped.



*Figures 2.1 – 2.3. Stendal Street, the site formerly intended for the grocery chain, and the sites edge along Hodgin Street respectively.*

## 2. Purpose

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### 2.1 The Subarea Plan and New Urbanism

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A subarea plan is a set of guidelines or regulatory framework for a specific urban area. The purpose of this subarea plan is to provide a policy framework and design standards for Sedro-Woolley's Urban Village Mixed Use (UVMU) area. The UVMU has been rezoned with an overlay specifically to allow for and encourage mixed use. The UVMU will provide for more efficient use of resources providing for an integrated mixed-use site plan to include open space, walkability, convenience, environmental protection, enhanced commercial options, and reduced dependence on motorized vehicles. The UVMU will also provide for an urban village experience while presenting an attractive and welcoming appearance to visitors at the western entrance of the city. The intent of the Subarea Plan is to encourage commercial uses first and allow residential uses as an incentive to build commercial space.

The "Urban Village Mixed-Use" zone emphasizes aspects of New Urbanism planning. New Urbanism development is consistent with policies articulated in the Comprehensive Plan and the City's Design Standards and Guidelines. The principle components of New Urbanism development include:

- Pedestrian access and walkways
- Connectivity for both pedestrian and vehicular flows
- Mixed-Use and diversity of development mix including residential, office and retail
- Diversity of housing to include a range of types, sizes and prices in close proximity
- Quality architecture and urban design
- Traditional neighborhood elements including open space at the center of the development
- Increased density to enable a more convenient, efficient use of services and resources
- Smart transportation including pedestrian friendly design
- Environmentally sensitive and sustainable, energy efficient and utilizing Low Impact Development to effectively manage storm water and (possibly LEED) to design environmentally efficient buildings
- Promote open space through more efficient land use and increased densities, and
- Enhance quality of life.



*Figure 3. Illustration of the principles of New Urbanism*

## 2.2 Model Results

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Because the intent of the UVMU is to encourage the construction of commercial space by including the incentive of additional residential units, the commercial use is required before additional residential units are allowed. Similarly, the required open space and parking for the total site development must be provided before additional residential units. If the proposed commercial space, residential units, parking and open space as required in the development regulations are not able to fit on any given site, then the residential units shall be reduced.

Figures 4.1 through 4.4 illustrate what a development could potentially look like using the UVMU Overlay regulations in Title 17 SWMC and the Additional Design Standards for the UVMU Overlay. The figures were designed to illustrate what a development of 35 units per acres (the maximum number of units per acre in the UVMU) could look like on a corner site. The model presumes a 1.98 acre property, therefore 69 residential units could be allowed if 30% of the site is dedicated as open space. The model buildings each have a 7,200 sf footprint, so a minimum of 3,600 square feet of each building needs to be commercial space. The parking required for that commercial space is 36 parking spaces (three buildings of 3,600 square feet of commercial each / 300 parking spaces per square foot = 36 parking spaces). The model shows 99 parking spaces, which takes up almost 40% of the gross site area. 99 parking spaces could be enough to accommodate the residential uses, but would be too few to also accommodate the commercial uses. Therefore, the number of residential units needs to be reduced in this example or more parking would need to be provided.

Without using structure parking, it is unlikely that a development of 35 units per acre can be accomplished. Thus, structure parking is anticipated and regulations to address structure parking have been included in the development regulations and design standards. The results were that roughly sixty-nine dwelling units could fit on the parcel with the required open space specified by the overlay code, but that number of dwelling units may need to be reduced in order to accommodate parking for both residential and commercial uses.





*Figures 4.1- 4.4. Model based on UVMU Overlay Zoning Code and Design Standards*

### 3. Urban Village Mixed Use Goals and Policies

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The UVMU goals and policies are aligned with the Growth Management Act goals in the Introduction to the Sedro-Woolley Comprehensive Plan. The UVMU goals and policies also conform to the goals and policies of the Land Use Element of the Comprehensive Plan and the other elements of the city Comprehensive Plan. The goals and policies below are also aligned with some of the principle components of “New Urbanism.”

**Goal UVMU 1:** Encourage high quality commercial development in the UVMU Overlay through incentives for additional residential units that would not be possible under the MC zoning regulations.

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Policy UVMU-1.1: The Mixed Commercial zone should allow for 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.

Policy UVMU-1.2: Buildings along Hodgin Street, Stendal Street, Trail Road, and State Route 20 (including the access driveway north of Parcels A-C of the Gateway Binding Site Plan) should have commercial street frontage with parking screened from public sight.

Policy UVMU-1.3: A higher standard of aesthetics is required within the overlay. The UVMU will promote more efficient use of resources by providing for an integrated mixed-use site plan intended to create an urban village experience and an attractive, welcoming appearance to visitors.

**Goal UVMU 2:** Encourage commerce by creating a pedestrian-friendly environment that accommodates shoppers, employees and residents.

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Policy UVMU-2.1: Drive through and other non-pedestrian friendly facilities should not be permitted in UVMU area unless set back from main streets.

Policy UVMU-2.2: The creation of a mixed-use parking district should be encouraged. Parking may be constructed and maintained for motor vehicles, bicycles or other non-motorized transportation, lease parking and/or other parking that promotes alternatives to driving single-occupant motor vehicles.

Policy UVMU-2.3: Off-street parking should be provided for residential dwellings, commercial and retail uses in the UVMU Overlay. Providing adequate parking without creating large expanses of parking lots in front of commercial businesses is key to the success of the UVMU.

Policy UVMU-2.4: To reinforce pedestrian activity, development in the UVMU should be oriented to ground floor activities and enhance the liveliness of the street through building location, uses and design.

### **Goal UVMU 3:** Integrate environment into site design.

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Policy UVMU 3.1: Open space and environmental conservation are encouraged as much as possible. Integrating the Brickyard Creek buffer area into the design and use of the buildings and other site improvements shall be required.

Policy UVMU 3.2: The UVMU area should create and/or preserve usable open space for the enjoyment of the occupants and the general public.

Policy UVMU 3.3: Open space should be landscaped and attractive to promote a sense of place and aesthetic enjoyment.

Policy UVMU 3.4: Public access via a public trail, restaurant seating, and pedestrian activity along the length of the Brickyard Creek riparian area is encouraged.

Policy UVMU 3.5: Site development shall be subject to the connection of Hodgin/Stendal Streets westward and/or northward as specified in the Sedro-Woolley Transportation Element.

### **Goal UVMU 4:** Encourage mixed-use development and diverse housing options.

---

Policy UVMU-4.1: The UVMU is intended for a range of multifamily, multi-level structures with density not to exceed the limit set in Title 17 SWMC. The limit on maximum density is intended to encourage flexibility in dwelling unit densities and types of structures to provide diversity of dwelling unit types and efficiencies associated within mixed-use development.

Policy UVMU-4.2: The Urban Village Mixed-Use zone is not intended for single family residences or duplexes. Rowhouses (AKA townhouses) may be approved if not located on the main roads and if they are part of a comprehensive mixed use site.

Policy UVMU-4.3: The UVMU area will allow for multifamily, multi-level buildings with varying densities dedicated to residential uses. Commercial uses should be street fronting and occupy no less than half of the first floor use with residential uses mostly above street level.

# Attachment 3

to September 21, 2021 UVMU Parking memo –

## Chapter 17.21

### URBAN VILLAGE MIXED-USE (UVMU) OVERLAY

Sections:

[17.21.005 Intent.](#)

[17.21.010 Applicability.](#)

[17.21.015 Definitions.](#)

[17.21.020 Use restrictions.](#)

[17.21.025 Bulk restrictions.](#)

[17.21.030 Minimum lot size requirements.](#)

[17.21.040 Maximum density requirements and mixed uses.](#)

[17.21.050 Open space.](#)

[17.21.060 Building height.](#)

[17.21.065 Design standards.](#)

[17.21.070 Hazardous waste.](#)

[17.21.080 Parking—General.](#)

[17.21.085 Parking for commercial uses in the urban village mixed-use zone.](#)

[17.21.090 Parking for residential uses in the urban village mixed-use zone.](#)

[17.21.100 Integrated site plan.](#)

[17.21.110 Integration with Brickyard Creek.](#)

#### **17.21.005 Intent.**

The intent of this zoning overlay is to encourage a compatible mix of commercial and residential development and more diverse types of residential density. This zoning overlay will provide for more efficient use of resources providing for an integrated mixed-use site plan to include open space, walkability, convenience, environmental protection, enhanced commercial options, reduced dependence on motorized vehicles, and provide for an urban village experience and present an attractive and welcoming appearance to visitors at the western entrance of the city. The UVMU overlay is over an area zoned mixed commercial. The intent of the overlay is to encourage commercial uses first and allow residential uses as an incentive to build commercial space. (Ord. [1931-19](#) § 2 (Exh. A) (part), 2019)

#### **17.21.010 Applicability.**

This chapter shall apply to areas within the city of Sedro-Woolley designated urban village mixed-use (UVMU) overlay as shown on Sedro-Woolley comprehensive zoning map. (Ord. [1931-19](#) § 2 (Exh. A) (part), 2019)

#### **17.21.015 Definitions.**

These definitions are in addition to and reference Section [17.04.030](#), Definitions.

“Motel” means a commercial building (or buildings) providing lodging for ten or more persons on a transient basis. Cooking facilities may be installed. Motels shall be designed to accommodate the automobile tourist or transient, daily maid service shall be provided, and parking facilities must be provided convenient to each guest room.



“Open space” means land which is free of buildings and is landscaped or pedestrian amenities are provided in compliance with the open space requirements in this chapter.

“Townhouse” means a dwelling in a row of units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common walls.

“Usable open space” means land which is free of buildings and is open to public and that serves public use of outdoor recreation and similar activities. (Ord. [1931-19](#) § 2 (Exh. A) (part), 2019)

#### **17.21.020 Use restrictions.**

Use restrictions in the UVMU overlay zone shall be as follows:

A. Permitted uses for street-facing units on the first floor on Hodgin Street, State Route 20 (including the access driveway north of Parcels A through C of the Gateway Binding Site Plan), Trail Road and Stendal Street are listed below. Uses on the floors above the ground floor shall be regulated per subsection B of this section. Similarly, uses on the first floor that face the opposite side of the main street-facing side that meet the requirements of Section [17.21.040](#) shall be regulated per subsection B of this section:

1. Retail and wholesale sales;
2. Food/drinking venues such as restaurants and taverns;
3. Banks and similar services;
4. Temporary lodging, including hotel/motel; and
5. Recreational and cultural uses.

B. Permitted Uses in Portions of UVMU Not Fronting on Hodgin, Trail, State Route 20 (Including the Access Driveway North of Parcels A through C of the Gateway Binding Site Plan) or Stendal Streets.

1. Retail and wholesale sales;
2. Professional services;
3. General services;
4. Offices;
5. Recreational and cultural uses;
6. Food venues such as restaurants and taverns;
7. Banks and similar services;
8. Commercial day care centers;
9. Multifamily residential (townhouse, apartment, condominium) of four units or more, as part of a mixed-use site development;
10. Residential units above the first story of a commercial building in varied densities;
11. Temporary lodging, including hotel/motel and bed and breakfast guesthouse; and



12. Health facilities and healthcare, excluding overnight accommodations.

C. Conditional Uses.

1. Outdoor recreation facilities;
2. Public utilities, excluding wireless communication facilities;
3. Quasi-public uses;
4. Public uses;
5. Retirement/assisted living facilities;
6. Small-scale wood/metal fabrication; shop space.

D. Prohibited Uses.

1. Adult entertainment;
2. Wireless communication facilities; and
3. All uses not listed above. (Ord. [1931-19](#) § 2 (Exh. A) (part), 2019)

**17.21.025 Bulk restrictions.**

Minimum setbacks for commercial and mixed-use buildings: none. Maximum setbacks: ten feet. These may be larger if exclusively used for pedestrian access and amenities. This does not include parking and any other accommodations for motorized vehicles. Sites shall be developed in a coordinated manner, complementing adjacent structures and uses through placement, size and mass.

Residential multifamily structure setbacks: ten-foot front yard; five-foot side yard(s); ten-foot rear yard; minimum twenty-foot buffer from commercial uses. In the event setbacks do not apply given large site areas and proximity to property lines, minimum setbacks shall be considered minimum yard requirements to public sidewalks and adjacent structures. (Ord. [1931-19](#) § 2 (Exh. A) (part), 2019)

**17.21.030 Minimum lot size requirements.**

No minimum lot size requirements for the UVMU overlay. (Ord. [1931-19](#) § 2 (Exh. A) (part), 2019)

**17.21.040 Maximum density requirements and mixed uses.**

A. Residential Density. The UVMU overlay is intended for a range of multifamily, multi-level structures with density not to exceed thirty-five dwelling units (DU) per acre. The urban village mixed-use zone is not intended for single-family residences. Thirty-five DU per acre is a maximum density and is intended to encourage flexibility in dwelling unit densities and types of structures providing for a diversity of dwelling unit types and efficiencies associated within mixed-use development. This overlay will allow for multifamily, multi-level buildings with varying densities (not to exceed thirty-five DU per acre), dedicated to residential uses. Allowed number of units shall be calculated by dividing the total site area (less area encumbered by wetlands, fish and wildlife habitat conservation areas and their respective buffers per Chapter [17.65](#)) by the maximum units allowed per acre and rounding down to the nearest whole number. Land area encumbered by wetlands, fish and wildlife habitat conservation areas and their respective buffers per Chapter [17.65](#) do not count towards the density allowed, but may count as open space per Section [17.21.050](#).

B. In mixed-use commercial and residential structures consisting of apartments or condominiums over commercial uses, no less than fifty percent of ground level floor space shall be a commercial use.

C. Residential structures without a commercial or retail component shall not exceed a one-to-one ratio of finished square foot space to finished commercial space on site; not to include indoor parking areas or garages in ratio calculation.

D. Residential uses may also be integrated with retail or office within the same building structure. There is no minimum or maximum commercial or residential unit densities per structure. (Ord. [1931-19](#) § 2 (Exh. A) (part), 2019)

#### **17.21.050 Open space.**

Open space shall constitute a sliding percentage of gross acreage subject to provisions of other amenities as specified in the city design standards and guidelines and as stated in UVMU design standards.

Of the minimum percent gross open space, a sliding percent must be landscaped and integrated into site plan, and must be useable public open space.

**Table 17.21.050(1)**

Density (units per acre)	Open Space (% of total site)	Usable Public Open Space (% of total site)
35 Units	30%	25%
30 Units	25%	20%
≤25 Units	20%	15%

(Ord. [1931-19](#) § 2 (Exh. A) (part), 2019)

#### **17.21.060 Building height.**

Maximum building height:

A. Mixed-use or commercial buildings fronting on Hodgin Street, Trail Road, State Route 20 (including the access driveway north of Parcels A through C on the Gateway Binding Site Plan) or Stendal Street: sixty feet. Fifty percent of any building stories above the third story shall be stepped back eight feet from the street frontage side of the building. Recessed balconies can count for up to fifty percent of the required step-back.

B. Maximum building height for mixed-use or commercial buildings not fronting on the areas described in Section [17.21.020](#)(A): thirty-five feet. Exception: sixty feet, if adequate access for the fire department's ladder truck is provided and the fire lane and fire apparatus access are approved by the fire chief.

C. Standalone residential apartments/condominiums: thirty-five feet. Exception: forty-five feet, if adequate access for the fire department's ladder truck is provided and the fire lane and fire apparatus access are approved by the fire chief.

D. Standalone townhomes: thirty-five feet. (Ord. [1931-19](#) § 2 (Exh. A) (part), 2019)

#### **17.21.065 Design standards.**

The UVMU is intended to create a pedestrian-friendly environment while also accommodating vehicular traffic and parking. All development utilizing this chapter (UVMU overlay) is subject to the UVMU design standards section of the Sedro-Woolley Design Standards and Guidelines Manual in addition to any other applicable sections of the manual. Where conflict between sections of the design standards exists, the additional standards for the urban village mixed-use overlay shall apply. (Ord. [1931-19](#) § 2 (Exh. A) (part), 2019)

#### **17.21.070 Hazardous waste.**

On-site hazardous waste treatment and storage facilities as accessory to a permitted or conditional use are allowed as a conditional use; provided, such facilities comply with the state hazardous waste siting standards and Sedro-Woolley and State Environmental Policy Act requirements. (Ord. [1931-19](#) § 2 (Exh. A) (part), 2019)

#### **17.21.080 Parking—General.**

A. Intent. The intent of the UVMU overlay is to encourage commerce by creating a pedestrian-friendly environment that accommodates both shoppers and its residents. Providing adequate parking without creating large expanses of parking lots in front of commercial businesses is key to the success of the UVMU overlay.

The creation of a mixed-use parking district shall be encouraged. Parking may be constructed and maintained for motor vehicles, bicycles or other non-motorized transportation, lease parking and/or other parking that promotes alternatives to driving single-occupant motor vehicles. New development may utilize a shared parking arrangement subject to review and approval by the planning director.

Partially underground parking structures are encouraged with either landscape or constructed buffers to minimize visual impacts of parking. The Sedro-Woolley design standards and guidelines apply to location and design of parking lots.

Private driveways, garages and garage entrances shall be at rear and side of buildings; unless deemed unfeasible by civil engineer or planning director.

The city may enter into a developer agreement (or similar binding agreement) and collect in-lieu fees to develop and manage a mixed-use parking district.

B. Off-street parking shall be provided for residential dwellings, commercial and retail uses in the UVMU overlay. (Ord. [1931-19](#) § 2 (Exh. A) (part), 2019)

#### **17.21.085 Parking for commercial uses in the urban village mixed-use zone.**

Subject to any shared parking as approved under Section [17.21.080](#), parking shall be provided as follows: A minimum of one parking space per three hundred square feet of gross commercial floor area shall be provided. If more than fifty percent of the gross floor area of the first floor is used as commercial area, then only one parking space per six hundred square feet shall be required for the commercial space in excess of fifty percent of the gross first floor commercial space. Parking for commercial uses shall be provided in addition to residential parking requirements. (Ord. [1931-19](#) § 2 (Exh. A) (part), 2019)

#### **17.21.090 Parking for residential uses in the urban village mixed-use zone.**

Subject to any shared parking as approved under Section [17.21.080](#), parking shall be provided as follows:

**Table 17.21.090(1)**

Townhouse:	1 space per bedroom up to 2 bedrooms, 0.5 space per additional bedroom over 2 bedrooms
Apartment or condominium:	
Studio	1.2 per dwelling unit
One bedroom	1.5 per dwelling unit
Two bedroom	1.7 per dwelling unit
Three bedroom or larger	1 space per bedroom up to 2 bedrooms, 0.5 space per additional bedroom over 2 bedrooms

(Ord. [1931-19](#) § 2 (Exh. A) (part), 2019)

**17.21.100 Integrated site plan.**

It is the intent of the UVMU to allow for mixed-use development in the context of development for the entire site. The site design shall consider the entirety of the UVMU overlay to achieve a cohesive mixed-use environment that incorporates mixed-use structures, and single use structures (such as structures entirely consisting of either residential or commercial uses). The adjacent land uses consist of public-owned land, commercially zoned land and industrially zoned land. The edges of the UVMU do not abut residential land; therefore, provisions to taper down the scale and height of the buildings at the edges of the UVMU are not specifically required; however, such tapering is encouraged. Although the entire UVMU is intended to be cohesive in design and infrastructure services, the individual properties may be subdivided and owned by different owners. (Ord. [1931-19](#) § 2 (Exh. A) (part), 2019)

**17.21.110 Integration with Brickyard Creek.**

A. Intent. The Brickyard Creek corridor shall be an integrated amenity of any development in the UVMU overlay. The creek has a riparian buffer per the critical areas ordinance (Chapter [17.65](#)). Public access via a public trail along the length of the creek is encouraged by the Sedro-Woolley comprehensive plan, subject to the criteria in Chapter [17.65](#). It is the intent of the UVMU overlay to incorporate public access along the creek corridor. It is not the intent of the UVMU overlay to allow development that is blocked visually or physically from the creek corridor.

B. Orientation of Residential and Commercial Uses on Creek Corridor. Development adjacent to the creek corridor shall maintain a pedestrian-friendly aesthetic along with a pedestrian connection to the public trail

within the creek corridor. Views of the creek from adjacent residential development shall be incorporated in design plans. Seating areas for restaurants and cafes are encouraged along the riparian area. Because a pedestrian trail in the riparian area is an anticipated requirement of development along Brickyard Creek, walls and building elements facing the creek corridor shall not be designed to have service areas or blank walls facing the creek. (Ord. [1931-19](#) § 2 (Exh. A) (part), 2019)

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<sup>i</sup> Metropolitan Area Planning Council (MAPC). (December 30, 2011). SWAP Parking Bylaw Project. Retrieved from [http://www.mapc.org/wp-content/uploads/2017/10/SWAP\\_DLTA\\_Final\\_Report\\_Revised\\_TAGGED.pdf](http://www.mapc.org/wp-content/uploads/2017/10/SWAP_DLTA_Final_Report_Revised_TAGGED.pdf).