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MEMO:

To: Sedro-Woolley Planning Commission

From: Nicole McGowan
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Date: July 18, 2023

Subject: Proposed Amendment to Chapter 17.16 SMWC to Remove Statement in Intent Section Restricting R-15 Zoning Designations

ISSUES

1. Should the Planning Commission consider an amendment to Chapter 17.16 of the SWMC removing the statement in the Intent section "Because multifamily is permitted in the MC and CBD zones, no new areas shall be designated R-15."?

PROJECT DESCRIPTION / HISTORY

A statement restricting the rezoning of property to R-15 resides under the Intent statement at the beginning of Chapter 17.16 SWMC. This statement is out of date and also inconsistent with the city's comprehensive plan which promotes affordable housing for all current and future Sedro-Woolley Residents. This issue was recently discovered at a public hearing before the Planning Commission to consider a rezone request from R-7 to R-15 for the property located at 406 Ball Street.

When Ordinance No. 1484-04 was passed October 13, 2004, apparently at that time there was concern amongst the city council over large multi-family buildings. The statement was treated as a de facto moratorium on new multi-family development. Staff has invited Pat Hayden who was Sedro-Woolley's city attorney at the time when Ordinance No. 1484-04 was adopted. Mr. Hayden drafted the ordinance that was adopted and understands the reasoning behind the language which is of issue.

DISCUSSION

Legislative changes in 2023 are going to constitute major reform to the Growth Management Act. Recognizing the quickly escalating local need for affordable housing, the Legislature passed several bills all designed to increase the range of allowable housing types within cities, allowing for a broad variety of housing types in residential areas with particular emphasis on providing additional housing for low to middle income sectors of the population, as well as working to undo years of discrimination in housing. The Planning Department is required to consider these changes during the 2025 Comprehensive Plan update cycle. Following the Legislative changes, land capacity analyses may show that Sedro-Woolley does not have enough capacity for lower-income housing needs and the city will need to add more zoning capacity for higher density housing types. Encouraging the availability of affordable housing for all economic segments of the population and promoting a variety of residential densities and housing types is already a major goal of the city's

housing element of the comprehensive plan. The Planning Department sees the statement in the intent section of Chapter 17.16 SWMC as a barrier to addressing the Legislative mandates to providing adequate housing for all.

If after discussing this matter with staff and Mr. Hayden, the Planning Commission agrees that Chapter 17.16 SWMC should be amended by removing the subject language under the Intent section, staff will prepare an ordinance and schedule a public hearing to consider the amendment at the next Planning Commission meeting in August.

ATTACHMENTS

Attachment A – Ordinance 1484-04, Pages 1,2,10 &11, Amending Chapter 17.16 SWMC.

Attachment B – Proposed Amendment to Chapter 17.16 SWMC

RECOMMENDATION

Review and discuss whether Chapter 17.16 SWMC should be amended as proposed.

Ordinance No. 1484-04

AN ORDINANCE OF THE CITY OF SEDRO-WOOLLEY AMENDING SWMC TITLE 17, INCLUDING CHAPTERS 17.04 ADMINISTRATIVE PROVISIONS, 17.08 RESIDENTIAL R-5 ZONE, 17.12 RESIDENTIAL R7 ZONE, 17.16 RESIDENTIAL R-15 ZONE, 17.20 MIXED COMMERCIAL ZONE, 17.28 INDUSTRIAL ZONE, 17.40 SIGNS, 17.48 MOBILE HOME PARKS, 17.60 VARIANCES, AND 17.66 FLOOD DAMAGE PREVENTION, AND ADDING NEW CHAPTERS 17.38 RESIDENTIAL PLAY AREAS, 17.43 PLANNED RESIDENTIAL DEVELOPMENT, AND AMENDING THE ZONING MAP FOR THE CITY OF SEDRO-WOOLLEY.

WHEREAS, the State of Washington requires that Skagit County and the incorporated Cities within the County prepare Comprehensive Plans consistent with the requirements of WAC 365-195, The Growth Management Act (GMA); and

WHEREAS, the City Council of the City of Sedro-Woolley has adopted amendments to the Sedro-Woolley Comprehensive Plan, which outline the goals and policies for how Sedro-Woolley should develop over the next twenty years; and

WHEREAS, the City of Sedro-Woolley provided notice of the 2004 Comprehensive Plan Update consistent with the requirements of SWMC Chapter 2.90; and

WHEREAS, the City of Sedro-Woolley received privately-initiated applications for map and land-use amendments as a result of its docketing process, and

WHEREAS, the City prepared an additional list of publicly initiated text amendments to the Municipal Code; and

WHEREAS, the Planning Commission held several workshop meetings and open houses to develop and take public input on the list of proposed amendments; and

WHEREAS, the Planning Commission prepared the attached Findings and Recommendations for the land use and zoning changes and forwarded their recommendations to the City Council; and

WHEREAS, the City of Sedro-Woolley issued Notices of Application and SEPA Determinations of Non-significance, including the adoption of existing documents for the proposed amendments under Chapter 2.88 and 2.90 of the Sedro-Woolley Municipal Code; and

WHEREAS, the City Council considered the staff report to the Planning Commission, including supplemental reports and the Planning Commission recommendations and suggested findings at a Public Hearing; and

WHEREAS, the City Council of the City of Sedro-Woolley finds that adoption of the attached zoning code and land use map changes will implement the goals and policies of the Comprehensive Plan; and

WHEREAS, the City further finds that changes to SWMC Title 17 are needed to properly implement the Comprehensive Plan; now, therefore,

THE CITY COUNCIL OF THE CITY OF SEDRO-WOOLLEY, WASHINGTON, DO
HEREBY ORDAIN AS FOLLOWS:

Section 1: Maps

The Land Use Zoning map of the City of Sedro-Woolley is hereby amended to conform to the map attached hereto as Exhibit A. Section 1 of this ordinance shall not be codified.

Section 2: The Chapter headings for Title 17 are hereby amended to read as follows:

TITLE 17 ZONING

Chapters:

- 17.04 Administrative Provisions
- 17.08 ~~Single Family Residential (SF2) Zone~~ Residential 5 (R-5)
- 17.12 ~~Single Family Residential (SF1) Zone (Single Family and Duplex)~~ Residential 7 (R-7)
- 17.16 ~~Multifamily (MF1 and MF2) Zones~~ Residential 15 (R-15)
- 17.20 ~~Auto-Oriented Commercial (AC) Zone~~ Mixed-Commercial (MC)
- 17.24 Central Business District (CBD) Zone
- 17.28 ~~Light (LI) and Heavy (HI) Industrial Zones~~ Industrial (I)
- 17.32 Public (P) Zone
- 17.34 Open Space (OS) Zone
- 17.36 Off-street Parking and Loading
- 17.38 Residential Play Areas
- 17.40 Signs
- 17.43 Planned Residential Developments (PRD)
- 17.44 General Regulations for All Zones
- 17.48 Mobile Home Parks
- 17.50 Landscaping
- 17.51 Murals
- 17.52 Rezones
- 17.56 Conditional Use Permits
- 17.60 Variances
- 17.64 Temporary Permits
- 17.65 Natural Resource and Sensitive Area Regulations
- 17.66 ~~Floodplain Management~~ Flood Damage Prevention
- 17.68 Home Occupation Permits
- 17.72 Sign Permits
- 17.76 Compliance Checklist
- 17.80 Enforcement
- 17.84 Adult Entertainment Establishments

Section 3: SWMC Section 17.04.030 is amended to read as follows:

17.04.030 Definitions.

1. "Accessory" means subordinate and incidental to, typically associated with, and located on the same ownership. 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 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; accessory structures shall not contain any habitable space or room.

3. Rear: ten feet for residences, five for accessory structures, ~~except zero for accessory structures where abutting an alley. See definition for "accessory" structures and "accessory dwelling units."~~

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 ~~ehurehes~~church steeples or bell towers.

17.12.030 Minimum lot size requirements.

Minimum lot size requirements for the residential ~~SF1R-7~~ zone shall be as follows:

A. Lot area: six thousand square feet;

B. Lot width at building line: ~~sixty~~ forty (40) feet;

C. Lot frontage on a public street, approved private street, or approved easement: twenty (20) feet,

17.12.040 Maximum density requirements.

The maximum gross density requirement in the ~~SF1R-7~~ zone is seven units per acre, ~~with the minimum density established at five units per acre.~~

17.12.050 Maximum lot coverage.

Lot coverage is the percent of the lot covered by structures including the main and all accessory buildings. Maximum lot coverage requirements in the residential ~~SF1R1~~ zone shall be as follows:

A. Fifty 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.

Section 6: SWMC Ch. 17.16 is amended to read as follows:

Chapter 17.16 RESIDENTIAL MULTIFAMILY 15 (MF1 AND MF2R-15) ZONES

Sections:

17.16.005 Intent

17.16.010 Use restrictions.

17.16.020 Bulk restrictions.

~~17.16.030~~ ~~Minimum lot size requirements.~~

17.16.040 Maximum density requirements.

17.16.050 Parking for residential uses in the R-15 zone

17.16.060 Design review

17.16.005 Intent

The intent of the Residential Multifamily zone is to achieve integration with Sedro-Woolley's existing building types and configurations; incorporate open street layout similar to existing grid rather than closed circulation systems such as cul-de-sacs; maintain the look of conventional neighborhoods in scale, orientation to the street, style, and appearance; and to avoid creation of large apartment "blocks"

separate from other parts of the community. Larger scale buildings are appropriate in the central business district or when combined with commercial uses in the Mixed Commercial zone. Because multifamily is permitted in the MC and CBD zones, no new areas shall be designated R-15.

17.16.010 Use restrictions.

Use restrictions in the ~~R15~~MF zone shall be as follows:

A. Permitted Uses.

1. Multifamily residential uses up to eight (8) units per building;
- ~~12.~~ One single-family residence per lot;
- ~~23.~~ Low-intensity agriculture;
- ~~34.~~ Home occupations in compliance with Chapter 17.68;
- ~~4.~~ ~~Clustered residential developments, including apartments, condominiums and duplexes;~~
5. Group homes;
6. Dependent relative cottages;
7. Professional offices;
8. Child day care centers meeting state requirements;
9. Planned ~~unit~~ residential developments;
10. Adult or family day care facilities meeting state requirements.

B. Conditional Uses.

1. Mobile and manufactured home parks in compliance with Chapter 17.48;
2. Offices other than professionals;
3. Outdoor recreation facilities;
4. Public utilities, excluding wireless communication facilities;
5. Quasi-public uses;
6. Public uses;
7. Commerce;
- ~~8.~~ Personal services.

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

17.16.020 Bulk restrictions.

Bulk restrictions in the ~~MF1 and MF2~~ R15 zones shall be as follows:

A. Minimum Setbacks.

1. Front: ~~twenty ten~~ (10) feet;
2. Side: one story dwellings and accessory structures shall have a minimum of five (5) feet; a two story dwelling shall have minimum of eight (8); and each additional story over two shall have an additional four (4) feet, for each story;
3. Rear: ten (10) feet for residences; and five (5) for accessory structures.

B. Maximum building height: thirty-five (35) feet, except twenty (20) feet for accessory buildings and no height limit for ~~churches~~ church steeples or bell towers.

17.16.030 Minimum lot size requirements.

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.

~~Minimum lot size requirements in the MF1 and MF2 zones shall be as follows:~~

Chapter 17.16 RESIDENTIAL 15 (R-15) ZONE

Sections:

- [17.16.005 Intent.](#)
- [17.16.010 Use restrictions.](#)
- [17.16.020 Bulk restrictions.](#)
- [17.16.030 Minimum lot size requirements.](#)
- [17.16.035 Zero side setbacks permitted.](#)
- [17.16.040 Maximum density requirements.](#)
- [17.16.050 Parking for residential uses in R-15 zone.](#)
- [17.16.060 Design review.](#)

17.16.005 Intent.

The intent of the R-15 zone is to achieve integration with Sedro-Woolley's existing building types and configurations; incorporate open street layout similar to existing grid rather than closed circulation systems such as cul-de-sacs; maintain the look of conventional neighborhoods in scale, orientation to the street, style, and appearance; and to avoid creation of large apartment "blocks" separate from other parts of the community. Larger scale buildings are appropriate in the central business district or when combined with commercial uses in the Mixed Commercial zone. ~~Because multifamily is permitted in the MC and CBD zones, no new areas shall be designated R-15.~~ (Ord. [1484-04](#) § 6 (part), 2004)

17.16.010 Use restrictions.

Use restrictions in the R-15 zone shall be as follows:

A. Permitted Uses.

1. Multifamily residential uses up to eight units per building or up to twelve units per building if the building is three stories and the units are evenly distributed between the three floors;
2. One single-family residence per lot;
3. Low-intensity agriculture;
4. Home occupations in compliance with Chapter [17.68](#);
5. Group homes;

6. Dependent relative cottages;
7. Professional offices;
8. Child day care centers meeting state requirements;
9. Planned residential developments;
10. Adult or family day care facilities meeting state requirements.

B. Conditional Uses.

1. Mobile and manufactured home parks in compliance with Chapter [17.48](#);
2. Offices other than professionals;
3. Outdoor recreation facilities;
4. Public utilities, excluding wireless communication facilities;
5. Quasi-public uses;
6. Public uses;
7. Commerce;
8. Personal services.

C. Prohibited Uses. All uses not listed above, including adult entertainment and wireless communication facilities. (Ord. [1920-19](#) § 1, 2019; Ord. [1484-04](#) § 6 (part), 2004; Ord. [1312-98](#) § 1 (part), 1998; Ord. [1013](#) § 2.03.01, 1985)

17.16.020 Bulk restrictions.

Bulk restrictions in the R-15 zones shall be as follows:

A. Minimum Setbacks.

1. Front: ten feet;
2. Side: one story dwellings and accessory structures shall have a minimum of five feet; a two story dwelling shall have minimum of eight; and each additional story over two shall have an additional four feet, for each story;

3. Rear: ten feet for residences; and five for accessory structures.

B. Maximum building height: thirty-five feet, except twenty feet for accessory buildings and no height limit for church steeples or bell towers. (Ord. [1484-04](#) § 6 (part), 2004; Ord. [1312-98](#) § 1 (part), 1998; Ord. [1013](#) § 2.03.02, 1985)

17.16.030 Minimum lot size requirements.

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. (Ord. [1484-04](#) § 6 (part), 2004; Ord. [1312-98](#) § 1 (part), 1998; Ord. [1013](#) § 2.03.03, 1985)

17.16.035 Zero side setbacks permitted.

It is the intent of this section to allow for the creation of new lots within an existing lot where buildings on the new lots are not required to maintain side setbacks for the purpose of allowing townhouses with condominium-style ownership that would include not only the interior spaces but also a portion of the land outside of the building. All other setbacks including those to the property lines of the parcel being subdivided, the front and rear setbacks, streets, driveways, etc., shall be maintained.

A. A division of land allowing no minimum side setbacks to interior lot lines shall be permitted; provided, that all other requirements of the zoning district shall remain applicable. Interior lot lines are those that are created as part of the proposed land division.

B. The standard setback requirements defined in Section [17.16.020](#) shall apply to the property lines of the parcel being subdivided.

C. No more than eight dwelling units per building may be attached utilizing the provisions of this section.

D. No more than one dwelling unit shall be allowed on any lot with reduced side setbacks created through the provisions of this section.

E. All proposed developments permitted using this section shall comply with the design review standards of Chapter [15.44](#).

F. All developments utilizing the provisions of this section must establish a homeowner's association per Section [16.04.080](#)(C). (Ord. [2032-22](#) § 12, 2023; Ord. [1601-08](#) § 1, 2008)

17.16.040 Maximum density requirements.

Minimum net density in the R-15 zones is four units per acre. Maximum gross density is fifteen units per acre. (Ord. [1484-04](#) § 6 (part), 2004; Ord. [1312-98](#) § 1 (part), 1998)

17.16.050 Parking for residential uses in R-15 zone.

The parking requirements for residential uses in the R-15 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

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.

Parking spaces counted for residential use shall not also be counted towards nonresidential parking requirements of Chapter [17.36](#) for other uses in this zone. (Ord. [1906-18](#) § 1, 2018; Ord. [1484-04](#) § 6 (part), 2004)

17.16.060 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. (Ord. [1484-04](#) § 6 (part), 2004)