



PLANNING COMMISSION
December 19, 2023
6:30 PM
Planning Commission

- a. Call to Order**
- b. Pledge of Allegiance**
- c. Roll Call**
- d. Consent Agenda**
 - 1. Minutes from the November 20, 2023 Planning Commission and Historic Preservation Commission Meetings
- e. General Public Comments**

Please keep comments to three minutes or less. Because State law prohibits the use of city facilities for the purpose of supporting or opposing a campaign or ballot proposition, we respectfully request that public comment not make reference to such matters.

Written comments will be accepted by letter or via email at nmcgowan@sedro-woolley.gov Attn: 'Public Comment.'
- f. Public Hearing(s)**
- g. Unfinished Business**
 - 1. Proposed Amendments to Chapter 16.04 SWMC to Add a Definition for "Shadow Plat" and to Allow Shadow Platting as a Method of Satisfying the Minimum Density Requirement of 4 Dwelling Units per Acre.
- h. New Business**
- i. Adjournment**

PLANNING COMMISSIONERS

Pat Huggins	Eric Johnson	Danielle Freiburger
Joe Fattizzi	Sisal Maddox	Joe Franett
		Paul Cocke

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The City of Sedro-Woolley also complies with applicable state laws and doesn't discriminate on the basis of creed, gender, gender expression or identity, sexual orientation, marital status,

religion, honorably discharged veteran or military status, or the use of a trained dog guide or service animal by a person with a disability.

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CITY OF SEDRO-WOOLLEY PLANNING COMMISSION MEETING MINUTES

November 20, 2023

CALL TO ORDER: Planning Commission Chair, Joe Fattizzi, called the meeting to order at (6:32 pm).

PLEDGE OF ALLEGIANCE

ROLL CALL:

- Present Commissioners: Danielle Freiburger, Paul Cocke, Eric Johnson, Joe Franett and Joe Fattizzi
- Absent Commissioners: Silas Maddox and Pat Huggins
- Present Staff: Nicole McGowan
- Members of public in attendance: 4

APPROVAL OF CONSENT AGENDA/MINUTES: Minutes from October 17, 2023, meeting was approved.

GENERAL PUBLIC COMMENTS: (Opened at 6:34 p.m.) There were no participants online. Staff also had not received any emails or mail to be entered into the record. The first public comment was made by Cassandra Sexson (901 Jameson Street). Cassandra applied for the open Planning Commission position and will be taking over for Commissioner, Eric Johnson in January 2024. She gave a brief introduction and overview of her background. The next public comment was from Paul Hieb (8643 Westerman Road). Mr. Hieb came tonight to discuss his land. He has 5 acres just inside the city limits that he would like to perform a 2-lot short subdivision on. He would like to section off a lot for the existing house, sell it, and keep the remaining land for farming. Due to cross-jurisdictional law he cannot apply for a Boundary Line Adjustment with the adjacent Skagit County property he owns directly north of the subject parcel. Public Comments closed at 6:41 p.m.

PUBLIC HEARING:

1. Possible amendments to Ch. 17.24 SWMC to add a minimum commercial/retail floor area requirement for the first-floor area facing primary street frontage in the CBD.

Assistant Planner, Nicole McGowan, gave a brief overview of this possible amendment. There are currently no regulations specifying a minimum floor area requirement for commercial or retail use in mixed-use buildings in the CBD. Commercial and retail spaces are shrinking due to being overtaken by residential space as remodels continue. To mitigate this issue, staff have proposed putting a requirement in place that 50% of the first-floor area facing primary street frontage must be designated for commercial and or retail use. Staff clarified that private garage space does not count towards commercial and or retail space. Parameters have been placed on the size and location of main entrances to multifamily residential units in the effort to prevent lobby areas from overtaking viable commercial space. The Planning Commission requested a

minor edit be made to clarify location requirements for the main entrance to residential units prior to the public hearing meeting. The following edit was made: “The main entrance to the residential units shall be located at the rear of the building. If rear access is not feasible, the main entrance may be incorporated into a maximum of 10% of the commercial and/or retail floor area facing the primary street frontage at the Planning Director’s discretion. If the building is located on a corner lot, the main entrance to the residential units shall be located on the side of the building facing the street with less commercial activity.” Staff recommends that the Planning Commission recommend that the city council approve the proposed amendments to Chapter 17.24 SWMC.

PUBLIC HEARING COMMENTS: (Opened at 6:44 p.m.) There were no participants online or in person. Public Comments closed at 6:45 p.m.

Commissioner, Paul Cocke, is pleased with the language and how well this was done. Commissioner, Eric Johnson, also agrees with how well this was completed and thinks it’s important to preserve commercial space in the CBD. Commissioner, Joe Franett, is pleased with the language of this amendment. Commissioner, Danielle Freiburger, had a comment about whether a maximum of 10% lobby entrance is enough space. Assistant Planner, Nicole McGowan states she spoke to the building inspector and 10% is enough space for the lobby entrance, elevator, and stairwell. Once clarified Commissioner, Danielle Freiburger, was pleased with the amendment. Chair Commissioner, Joe Fattizzi, states everyone did a really good job on this amendment. Motion carried in favor 5-0.

PLANNING COMMISSION DISCUSSION/INFORMATION ITEMS:

1. Consider circumstantial reductions of the minimum density requirement of four dwelling units per acre for subdivisions.

Assistant Planner, Nicole McGowan, states several Sedro-Woolley residents have come to her with requests to subdivide larger properties, typically with an acre or more. They are requesting subdividing into one or two smaller lots. Due to the requirements that subdivisions must have a minimum density of four units per acre, these requests can’t be processed. The four units per acre density is a framework that the GMA came up with to address the issue of urban sprawl. Cities are required to plan for reduction of urban sprawl, however, the GMA does not have the authority to make public policy decisions due to it being a quasi-judicial agency that serves a limited role. In short, cities are required to bear the ultimate responsibility of reducing urban sprawl under the GMA however they see fit in ways that best serve their communities. The four units per acre should not be entirely disposed of, however, there are creative ways to allow circumstantial reductions while also following the requirements of the GMA. For example, Mount Vernon has an R1 3.0 zone that allows for no more than 3.23 dwelling units per acre. They must show that there are physical constraints present on the property such as wetlands, critical areas, unique open space character, or sensitivity to environmental disturbances. The city of Mount Vernon chose properties that contained or were next to pre-existing neighborhoods. The zoning complied with the GMA because it protects the existing character of the existing neighborhoods, promotes a variety of residential densities and housing types, and encourages the preservation of existing housing stock, all requirements of the GMA. Another creative option

some jurisdictions have used is shadow platting. The shadow platting does not perform an actual subdivision, but instead shows on paper that a future subdivision that meets current zoning regulations, including the 4 units per acre density minimum, can be achieved in the future. The proposal is to allow people to apply for a short plat and submit a shadow plat along with it showing in the future it could meet a minimum of four units per acre and be developed in accordance with current development regulations. Chair Commissioner, Joe Fattizzi, pointed out things could get complicated especially for transferability if the owner in the future decided to keep one piece of property and sell the remaining property.

Commissioner, Danielle Freiburger, commented saying this is a great thing to look into and would satisfy both the GMA and applicant. Commissioner, Joe Franett, liked the idea of shadow platting and the opportunity for someone to have the option to sell one or two lots now and in the future build on the remaining land. Commissioner, Eric Johnson, likes the idea of this option and believes it's worth exploring. Commissioner, Paul Cocke, loves this idea and thinks flexibility needs to be considered, however it needs to be on a case-by-case basis due to the possibilities of estate battles. Assistant Planner, Nicole McGowan, spoke about Commissioner, Paul Cocke's, concerns of estate battles, stating shadow platting is not a formal subdivision, it shows the Planning Department on paper that the piece of land can be subdivided in the future according to current regulations. The short plat is the only thing that gets recorded therefore, estate battles probably would not be a cause of concern because there is nothing binding about the shadow plat. Chair Commissioner, Joe Fattizzi, had comments about applicants having to have the ability to have utilities through the property. This can cause financial burdens in the future for septic, sewer and water. Overall, this topic is worth a future discussion on. Assistant Planner, Nicole McGowan, states this would be something the developer would deal with in the future when development is taking place. Staff was tasked with drafting an amendment proposal for review and discussion at the next meeting.

UNFINISHED BUSINESS: None

NEW BUSINESS: None

ADJOURNMENT: (Time: 7:27 p.m.)

PLANNING COMMISSION CHAIRMAN

PLANNING COMMISSION SECRETARY

CITY OF SEDRO-WOOLLEY HISTORIC PRESERVATION MEETING MINUTES

November 20, 2023

CALL TO ORDER: Planning Commission Chair, Joe Fattizzi, called the meeting to order at (7:11 p.m.)

PLEDGE OF ALLEGIANCE

ROLL CALL:

- Present Commissioners: Danielle Freiburger, Paul Cocke, Eric Johnson, Joe Franett and Joe Fattizzi
- Absent Commissioners: Silas Maddox and Pat Huggins
- Present Staff: Nicole McGowan
- Members of public in attendance: 1 in person and 2 online

APPROVAL OF CONSENT AGENDA/MINUTES:

1. Approval of historic registry plaque for posting at 804 Ferry Street

Jean Eagleston gave a brief overview of the possibility of a plaque being made and posted at her home at 804 Ferry Street for the Sedro-Woolley registry of historic places. Currently, she has two plaques posted at the property indicating what the home used to be known as and would like this additional plaque posted at her residence. She would like the plaque to read “This property has been placed on the Sedro-Woolley Register of Historic Places #1 by the Sedro-Woolley Historic Preservation Commission.”

A motion was made to have such a plaque posted on the residence at 804 Ferry Street. Commissioner, Danielle Freiburger, motioned first and Commissioner, Paul Cocke, motioned second. The motion carried in favor 5-0.

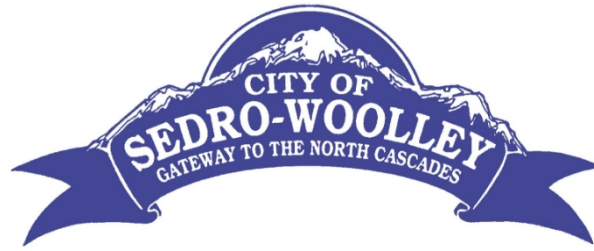
UNFINISHED BUSINESS: None

NEW BUSINESS: None

ADJOURNMENT (Time: 7:30 p.m.)

PLANNING COMMISSION CHAIRMAN

PLANNING COMMISSION SECRETARY



Planning Commission Agenda Item

Agenda Item No.: g.1.

Date: December 19, 2023

From: Nicole McGowan, Assistant Planner

Subject: Proposed Amendments to Chapter 16.04 SWMC to Add a Definition for "Shadow Plat" and to Allow Shadow Platting as a Method of Satisfying the Minimum Density Requirement of 4 Dwelling Units per Acre.

RECOMMENDED ACTION:

Review and discuss the proposed amendments to Chapter 16.04 SWMC and propose any recommended changes.

ISSUE:

Several Sedro-Woolley residents have requested to perform short subdivisions of larger properties, typically greater than an acre in size. Most often, their goal is to section off one or two lots for their own ownership and then sell the remaining portion of the property. However, due to existing minimum density requirements in the subdivision regulations under Chapter 16.04 SWMC, this is not possible. SWMC 16.04.060(A) states that "a subdivision, short plat, binding site plan, or planned residential development, solely for residential purposes, shall have an average net density as defined in Section 17.04.030, for the entire development of not under four units per acre." Staff proposes adding a definition for "shadow plat" to SWMC 16.04.030 and updating SWMC 16.04.060 to include shadow platting as a method of satisfying the minimum density requirement of four units per acre through future development.

BACKGROUND/SUMMARY INFORMATION:

The Washington State Growth Management Act (GMA) requires that every city plan to reduce the inappropriate conversion of undeveloped land into sprawling, low-density development. The minimum residential density of four dwelling units per acre was put in place as a framework by the Growth Management Hearings Board to guide jurisdictions to that end. Cities ultimately hold the burden and responsibility for planning for and harmonizing with the planning goals of the GMA and implementing a city's future rests with that community. The GMA acts exclusively through local governments to accommodate local needs. Ultimately, the Hearings Board does not have the authority to make "public policy" because they are a quasi-judicial agency that serves a limited role. Their powers are restricted to a review of those matters specifically delegated by statute. In short, cities may exercise discretion in how they achieve reduction of urban sprawl per the GMA while also accommodating for local needs. It is important that cities comply with the requirements of the GMA, so we cannot dispose of the minimum density requirement of four dwelling units per acre for subdivisions. However, there are examples of cities that have found creative ways to allow for short subdivisions of larger properties. One

example is Mount Vernon, WA. They have included shadow platting as an option applicants can use to satisfy their minimum density requirement of four dwelling units per acre over time. An excerpt of the language in Mount Vernon's municipal code pertaining to shadow platting and its function in subdivision is included herein as **Attachment 1**. In Mount Vernon, shadow platting may be used to satisfy the minimum density requirements if the applicant can demonstrate that future development would allow for the eventual satisfaction of minimum density requirements. The applicant must submit a shadow plat that shows the current and proposed development will not preclude the provision of adequate access and infrastructure for future development and shows the subject property is capable of further subdivision at a density of four dwelling units per acre according to current development regulations. Shadow plats are not binding as they are not recorded documents, provided that any proposal seeking to further develop the subject property in a manner which differs from the original shadow plat shall demonstrate that said revised development proposal accommodates appropriate rights-of-way and continues to yield a density of four dwelling units per acre. Planning staff propose to amend SWMC 16.04.030 to add a definition for "shadow plat" and SWMC 16.04.060 to allow shadow platting as a method of satisfying the minimum density requirement of four dwelling units per acre, modeled after Mount Vernon's code language. The proposed amendments can be found herein as **Attachment 2**.

FISCAL IMPACT, IF APPROPRIATE:

None.

ATTACHMENTS:

1. Attachment 1 - Chapter 17.118 Mount Vernon Municipal Code
2. Attachment 2 - Proposed Amendments to Chapter 16.04 SWMC

Chapter 17.118

MINIMUM RESIDENTIAL DENSITY

Sections:

17.118.010 Performance standard for urban residential density in the urban growth area.

17.118.010 Performance standard for urban residential density in the urban growth area.

New residential developments shall be required to meet a minimum density standard of four dwelling units or more per acre on average throughout the urban growth areas as established in the 1997 Skagit County Comprehensive Plan. Four dwelling units per acre shall be the minimum allowable density for developments, excluding a single-family home on an existing lot of record, and except where it cannot be achieved due to special flood risk designation, resource and critical area designations, restrictions on access, comprehensive plan requirements and recommendations, or other physical site constraints. Phasing or shadow platting may be used to satisfy the minimum density requirements if the applicant can demonstrate that these techniques would allow the eventual satisfaction of minimum density requirements through future development. The applicant must demonstrate that the current and proposed development will not preclude the provision of adequate access and infrastructure to future development. A property owner subdividing property shall submit to the city a shadow plat demonstrating that said property is capable of further subdivision at a density of four dwelling units per acre. The submitted shadow plat need only identify proposed rights-of-way and lot sizes yielding the required density. Said shadow plat is not binding and need not be recorded; provided, that any proposal seeking to further develop the subject property in a manner which differs from the original shadow plat shall demonstrate that said development accommodates appropriate rights-of-way and continues to yield a density of four dwelling units per acre. Amending a shadow plat shall be an administrative process. Projects, such as master plans, PUDs, preliminary and final plats, and other developments that have been approved prior to the effective date of the ordinance codified in this chapter are exempt from this requirement.

The city will monitor, on a semi-annual basis, the average densities of all new developments approved during that time period to determine if the density goal is being achieved. Project densities exceeding the four-unit-per-acre minimum developed or approved during any monitoring period may be carried over to assist in meeting the density goal. If necessary, the city may prescribe modifications or adjustments to the comprehensive plan, zoning and development standards and new residential developments to compensate for any identified shortfalls in achieving the density goal or standard. (Ord. 3215 § 1, 2004; Ord. 3174 § 1, 2004; Ord. 2944 § 1, 1999).

The Mount Vernon Municipal Code is current through Ordinance 3870, passed May 24, 2023.

Disclaimer: The City Clerk's office has the official version of the Mount Vernon Municipal Code. Users should contact the City Clerk's office for ordinances passed subsequent to the ordinance cited above.

City Website: <https://www.mountvernonwa.gov/>

City Telephone: (360) 336-6211

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Chapter 16.04 GENERAL PROVISIONS

[...]

16.04.030 Definitions.

As used in this chapter, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section shall have the indicated meanings:

- A. "Subdivision" is the division or redivision of land into five or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership, except as provided in subsection F of this section.
- B. "Plat" is a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys or other divisions and dedications.
- C. "Dedication" is the deliberate appropriation of land by an owner for any general and public uses reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat or short plat showing the dedication thereon; and the acceptance by the public shall be evidenced by the approval of such plat for filing by the appropriate governmental unit.
- D. "Preliminary plat" is a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision consistent with the requirements of this chapter. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision.
- E. "Final plat" is the final drawing of the subdivision and dedication prepared for filing for record with the county auditor and containing all elements and requirements set forth in this chapter and in local regulations adopted under this chapter.
- F. "Short subdivision" is the division or redivision of land into four or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership.
- G. "Binding site plan" means a drawing to a scale specified by local ordinance which: (a) identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by local regulations; (b) contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the city in approving the site plan; and (c) contains provisions making any development be in conformity with the site plan.

- H. "Short plat" is the map or representation of a short subdivision.
- I. "Lot" is a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.
- J. "Block" is a group of lots, tracts, or parcels within well defined and fixed boundaries.
- K. "Code" is the Sedro-Woolley Municipal Code.
- L. "City engineer" is the Sedro-Woolley director of public works.
- M. "Director" is the Sedro-Woolley planning director.
- N. "Hearing body" is the decision making body specified in Chapter [2.90](#), unless otherwise specified herein. (Ord. [1487-04](#) § 2 (part), 2004; Ord. [1450-03](#) § 2 (part), 2003)

O. "Shadow plat" is the non-binding map or representation demonstrating that a property is capable of future subdivision according to current development regulations at minimum residential density.

16.04.040 Compliance with state law and land use code.

Every division of land shall comply with the provisions of state law and the provisions of this title. They shall conform to the comprehensive plan and all zoning regulations, in effect at the time any preliminary plat is approved. Lots shall be of a size and dimension and have access and infrastructure adequate to satisfy the requirements of this title and Sedro-Woolley Municipal Code Titles [13](#), [15](#) and [17](#). (Ord. [1487-04](#) § 2 (part), 2004; Ord. [1450-03](#) § 2 (part), 2003)

16.04.050 Effect of noncompliance.

No building permit or other development permit shall be issued for any lot, tract or parcel of land divided in violation of state law or this subtitle, unless the director finds that the public interest will not be adversely affected by the decision. (Ord. [1487-04](#) § 2 (part), 2004; Ord. [1450-03](#) § 2 (part), 2003)

16.04.060 Minimum and maximum residential density.

A. A subdivision, short plat, binding site plan, or planned residential development, solely for residential purposes, shall have an average net density, as defined in Section [17.04.030](#), for the entire development of not under four units per acre.

B. A variance from this requirement may be granted by the hearing body through the subdivision approval process to accommodate site constraints which make development at the required minimum density impractical or inconsistent with the purposes of this chapter.

C. Factors which may warrant a density reduction, include, but are not limited to:

1. Critical areas in excess of twenty percent of the site;
2. Stormwater management;
3. Significant wildlife corridors; and utility corridors.

D. As a condition of granting a density reduction, the applicant must demonstrate that the minimum density cannot be achieved by clustering the housing on the buildable portions of the site.

E. Shadow platting may be used to satisfy the minimum density requirements if the applicant can demonstrate that the proposed techniques would allow the eventual satisfaction of minimum density requirements through future development. The applicant must demonstrate that the current and proposed development will not preclude the provision of adequate access and infrastructure necessary for future development. A property owner subdividing property shall submit to the city a shadow plat with the subdivision application materials demonstrating that said property is capable of further subdivision according to current development regulations at minimum residential density. The submitted shadow plat need only identify proposed rights-of-way and lot sizes yielding the required density. Said shadow plat is non-binding and need not be recorded, provided that any proposal seeking to further develop the property in a manner which differs from the original shadow plat shall demonstrate that said development accommodates appropriate rights-of-way and continues to yield the minimum residential density required. Amending a shadow plat shall be an administrative process.

~~FE~~. Maximum housing density is set in each zoning designation, in Title [17](#). (Ord. [1487-04](#) § 2 (part), 2004; Ord. [1450-03](#) § 2 (part), 2003)

[...]