

Next Ord:2067-24
Next Res:1137-24

JOINT CITY COUNCIL STUDY SESSION AND PLANNING COMMISSION
February 7, 2024
6:00 PM
Sedro-Woolley Municipal Building
Council Chambers
325 Metcalf Street

- a. Call to Order**
- b. Pledge of Allegiance**
- c. Roll Call**
- d. Introduction of Special Guests and Presentation**
- e. Unfinished Business**
 - 1. Update on 2025 Comprehensive Plan Update and Climate Planning Projects
 - 2. Draft Work/Live Amendments
 - 3. Update on Jones / John Liner / Trail Road Corridor Project
- f. New Business**
- g. Adjournment**

Next Meeting(s) City Council and Planning Business Development Committee-February 14, 2024.

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City Council Agenda Item

Agenda Item No.: e.1.

Date: February 7, 2024

From: Hiller West, Interim Community Director

Subject: Update on 2025 Comprehensive Plan Update and Climate Planning Projects

RECOMMENDED ACTION:

Discussion only, no recommended action.

ISSUE:

Interim Community Development Director, Hiller West, to give an update on progress with the Comprehensive Plan Update and Climate Planning projects. This topic was last discussed with the City Council in October.

BACKGROUND/SUMMARY INFORMATION:

The Washington Department of Ecology has approved a grant of \$125,000 for the 2025 Comprehensive Plan update and \$500,000 for preparation of a new Climate Planning Element. Contracts for both projects have been reviewed by our city attorney, Nikki Thompson, and are now under final review with the Department of Ecology. The contracts will be presented to the Council for approval in late February.

Requests for proposals to solicit consultant assistance for both projects have been issued, with response deadlines set for February 16, 2024 and March 1, 2024. The requests for proposals are only to solicit interested and qualified firms and do not commit the city to any expenditure of funds until State funds are committed and contracts are executed with the selected firms.

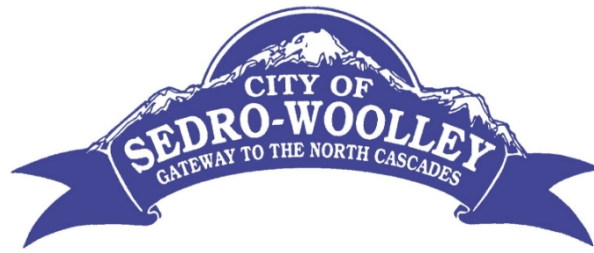
The strategy for completing the projects calls for selection of a citizen advisory committee for each project. Both committees will work directly with staff, the Planning Commission and City Council through to the end of the project. There will be extensive public involvement and participation by the Planning Commission, City Council and staff for each project.

FISCAL IMPACT, IF APPROPRIATE:

TBD

ATTACHMENTS:

None



City Council Agenda Item

Agenda Item No.: e.2.

Date: February 7, 2024

From: Nicole McGowan, Assistant Planner

Subject: Draft Work/Live Amendments

RECOMMENDED ACTION:

Discussion only, no recommended action.

ISSUE:

Assistant Planner, Nicole McGowan, plans to bring the draft work/live amendments back to the City Council for review and possible action at the next City Council meeting (February 14, 2024). This brief discussion is intended to be a refresher for the City Council and to clarify any questions the Council may have on the topic before the Council presentation.

BACKGROUND/SUMMARY INFORMATION:

Former Planning Director, John Coleman, had presented the latest draft of the work/live amendments at the April 26, 2023 City Council meeting. He had requested action at the time, however, the City Council felt that they needed more time to review the amendments before making a decision. The Council had requested that the topic be brought back for action another time. Much time has passed since these draft amendments were last presented, so before bringing them back to the Council for action, planning staff felt it necessary to provide the City Council with a refresher with opportunity for discussion regarding the Planning Commission's recommendation.

Live/work units are currently included in the development regulations as a permitted use in the Industrial zone and the Mixed Commercial zone. Staff was finding that, though they were permitted uses, there was no definition in the code for what a live/work unit was and no regulations to review development proposals against. Staff had brought this issue to the Planning Commission and the Commission helped to create such a definition with the intention of providing clear regulations for staff and developers to follow. After several drafts were reviewed and several discussions were held with the Planning Commission, planning staff and the commission were finding that these units can be complicated and difficult to regulate. Live/work units are intended to be a convenient place for someone to work as well as provide the opportunity, secondarily, for that person to live there. However, questions did come up during the latest discussions with the Planning Commission. What happens in the case when that person's business goes bankrupt and the live/work unit ends up being solely residential occupancy. These situations should be avoided to the best of the city's ability, as it is not ideal to have residential use pushing out commercial use, especially in zones intended for primarily commercial use. Planning staff and the Commission decided it would be a good idea to change the name of the units to

"work/live" to imply that commercial is the primary intended use of these structures. It was also ultimately decided that work/live would be eliminated from the Mixed Commercial zone. The Planning Commission and planning staff find that removing work/live units from the Mixed Commercial zone will help clear up ambiguity that comes with a dual-use structure that is supposed to be owned and occupied by the same individual. The city does not have the resources or staff available to investigate work/live units to determine whether the individuals occupying them are indeed the individuals who are supposed to be living and operating a business there. Mixed-use buildings are different in the way that they have separate units with separate ownership. These are already permitted in the Mixed Commercial zone, are much cleaner for the city to regulate and provide essentially the same product. Work/live units have been left as a permitted use in the Industrial zone because the Planning Commission found it important to have a buffer between industrial and residential zoned properties to soften any negative effects industrial uses might have on residential areas. Planning staff is well aware of the Council's concern regarding parking in the city, so regulations for required parking for work/live units were provided in the draft amendments as well.

The latest version of the draft amendments that were recommended for approval by the Planning Commission are included herein as **Attachment 1**.

FISCAL IMPACT, IF APPROPRIATE:

None.

ATTACHMENTS:

1. Draft Amendments 5 (4-18-23) PC APPROVED

Chapter 17.04 ADMINISTRATIVE PROVISIONS

17.04.030 Definitions.

...

“Wholesaling” means the warehousing of materials or goods for sale abroad and generally is related to shipping of materials and goods and not retail sales.

“Work/live unit” means a unit in which a residential use is located above a business use within the same building and is reserved for and regularly used by the business owner. The primary intent of a work/live unit is to provide a working business space for the business owner with a residence as a secondary use. These units are subject to the following conditions:

1. The business area function shall be limited to the first floor only of the work/live unit;
2. The business portion of the unit shall not exceed 50% of the area of the entire work/live unit;
3. All residential features must be designed and arranged to be separated from the business portion of the unit by a physical divider such as walls and a lockable door. The intent of this condition is to clearly distinguish the separation of the residential portion of the unit from the business portion;
4. The main entrance to the business shall have commercial windows and doors, shall be easily identifiable as a business space from the exterior and shall be visible and accessible from a public right-of-way or private, publicly accessible parking lot;
5. Access shall be provided to the residential portion of the work/live unit through the business portion. This condition does not preclude additional means of ingress/egress;
6. The residential portion of the unit must be inhabited by the owner of the associated business;
7. The business and residential spaces cannot be leased separately from each other;

8. The minimum size of the business portion of the unit shall not be less than 300 square feet;
9. The maximum size of the residential portion of the unit shall not exceed 1,500 square feet;
10. The use of the business portion of the unit is limited to the permitted uses of the underlying zone in which the unit is located, with the exception that office use is a specifically permitted use in the business portion of the work/live unit. Hazardous uses, storage (except accessory storage up to 10% of the space dedicated to a permitted business use) and marijuana growing, processing and/or retail are specifically prohibited uses in the business portion of the unit;
11. Work/live units are exempt from the Industrial zone use restriction "limited retail and service uses up to 5% of the total site" (SWMC Section 17.28.010 (A)(6));
12. The business portion of the unit shall be open to the public during business hours;
13. The business portion of the unit shall not be occupied by residential use;
14. The business portion of the unit must not contain any of the primary features of the residential portion of the work/live unit. Sleeping facilities are strictly prohibited. Kitchens, laundry facilities or bathrooms containing a shower or bathtub associated with the commercial/industrial use are allowed, however, the use of such facilities shall be limited to staff and/or clientele;
15. Work/live units shall include an exterior sign with the name of the associated business. The sign shall be clearly associated with the unit and visible to pedestrians from the public right-of-way or private, publicly accessible parking lot;
16. Both residential and commercial rates will apply for permitting and monthly city utility billing purposes;
17. Work/live units shall have two water meters installed – one for the residential portion of the unit and one for the business portion;
18. The owner of a work/live business shall sign and submit a work/live agreement to the Planning Department attesting that they will comply with all applicable work/live requirements and regulations and that the business portion will not be used for any residential, storage or other non-compliant uses. The agreement shall first be approved by the Director, then recorded with the Skagit County Auditor's office. The

owner shall submit proof that the agreement has been recorded with the Skagit County Auditor's office prior to issuance of the building permit;

19. Upon sale of the property, the new owner shall be required to sign and submit a new work/live agreement to the Planning Department. Once approved by the Director, the new agreement shall be recorded with the Skagit County Auditor's office. Proof that the agreement has been recorded with the Skagit County Auditor's office shall be submitted to the Planning Department;
20. To change or expand the amount of interior business or residential space, the owner must obtain all necessary permits/approvals from the City and meet all requirements prior to changing or expanding; and
21. Work/live units are permitted in the Industrial zone only along the edge(s) of an industrial zoned property where adjacent to residential zoned property. The intent of this condition is to allow work/live units as a means of creating a practical buffer between industrial and residential uses.

Chapter 17.20

MIXED COMMERCIAL (MC) ZONE

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. (Ord. [1840-16](#) § 1, 2016; Ord. [1709-11](#) § 1, 2011; Ord. [1522-05](#) § 1, 2005; Ord. [1484-04](#) § 7 (part), 2004; Ord. [1312-98](#) § 1 (part), 1998; Ord. [1309-98](#) § 6, 1998; Ord. [1013](#) § 2.04.01, 1985)

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Chapter 17.28

INDUSTRIAL (I) ZONE

Sections:

- 17.28.005 Intent.**
- 17.28.010 Use restrictions.**
- 17.28.020 Bulk restrictions.**
- 17.28.030 Minimum lot size requirements.**
- 17.28.040 Screening requirements.**
- 17.28.050 General regulations on uses and property.**
- 17.28.060 Design review.**
- 17.28.XXX Parking for work/live units in the Industrial Zone**

17.28.005 Intent.

The intent of the industrial zone is to provide appropriately located areas for manufacturing, warehousing, distribution, and office uses to enhance the city's economic base in a manner that minimizes impacts to surrounding nonindustrial zones. The standards recognize the market preferences and construction techniques characteristic of this type of use. Commercial, retail, and residential uses are permitted at a limited scale so as to preserve the majority of land in this category for industrial and business uses. (Ord. 1664-10 § 2 (Exh. E) (part), 2010; Ord. 1484-04 § 8 (part), 2004)

17.28.010 Use restrictions.

Use restrictions in the industrial (I) zone shall be as follows:

A. Permitted Uses.

1. Office parks, medical services, wholesaling, and light manufacturing and processing;
2. Industrial equipment, supplies, services, including storage;
3. Agricultural processing;
4. Parking lots serving any use;
5. Trade schools, warehouses, storage, utilities other than wireless communications facilities, government services;
6. Limited retail and service uses up to five percent of the total site;
7. Work/live ~~Live/work~~ units as a transition between industrial and residential;

8. On-site day care serving a specified permitted use;
9. On-site recreational facilities serving a specified permitted use;
10. Adult entertainment establishments, as herein defined; provided, that no adult entertainment establishment shall be located nearer than seven hundred fifty feet from any other adult entertainment establishment; and provided further, that no adult entertainment establishment shall be located nearer than seven hundred fifty feet from any residential zone, seven hundred fifty feet from any school, public or private, seven hundred fifty feet from any church, and seven hundred fifty feet from any park. Distances as provided in this subsection shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the proposed use is to be located to the nearest point of the parcel property of the land use from which the proposed use is to be separated.

B. Conditional Industrial Uses.

1. Vehicle wrecking yards, vehicle impound lots;
2. Power generation facilities;
3. Airports, heliports;
4. Prisons;
5. Incinerators;
6. Animal slaughtering and meat packing, food processing;
7. Wireless communication facilities;
8. 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 citing standards and Sedro-Woolley and State Environmental Policy Act requirements;
9. Garbage and/or recycling transfer stations or sorting facilities;
10. Composting facilities;
11. All uses not permitted above or otherwise prohibited.

C. Prohibited Uses. Residential uses other than those that are ancillary to an industrial use listed above. (Ord. 1664-10 § 2 (Exh. E) (part), 2010: Ord. 1484-04 § 8 (part), 2004: Ord. 1312-

98 § 1 (part), 1998: Ord. 1309-98 § 5, 1998; Ord. 1063 § 5 (Exh. D § 2.06.01.05), 1988; Ord. 1013 § 2.06.01, 1985)

17.28.020 Bulk restrictions.

A. Minimum Setbacks to Adjacent Zones.

1. Setbacks to Residential (R-5, R-7 and R-15) Zones. Front setbacks shall be a minimum of twenty feet. Side setbacks shall be a minimum of thirty feet. Rear setbacks shall be a minimum of thirty feet.
2. Setbacks to All Other Zones. Front setbacks on an arterial street shall be a minimum of twenty feet. Side setbacks shall be a minimum of twenty feet. Rear setbacks shall be a minimum of twenty feet.
3. Setbacks to the Industrial Zone. Buildings shall maintain a minimum ten-foot setback to all lot lines when adjacent to other properties zoned industrial.

B. Maximum building height: thirty-five feet. A variance to the maximum building height may be granted as set forth in Chapter 17.60.

Exception: sixty feet, if minimum side and rear setbacks required in subsection A of this section are doubled. (Ord. 1677-10 § 1 (part), 2010; Ord. 1664-10 § 2 (Exh. E) (part), 2010; Ord. 1522-05 § 3, 2005; Ord. 1484-04 § 8 (part), 2004; Ord. 1387-00 § 1, 2000; Ord. 1312-98 § 1 (part), 1998; Ord. 1013 § 2.06.02, 1985)

17.28.030 Minimum lot size requirements.

There is no categorical minimum lot size for industrial 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 proceedings. (Ord. 1664-10 § 2 (Exh. E) (part), 2010; Ord. 1484-04 § 8 (part), 2004; Ord. 1312-98 § 1 (part), 1998; Ord. 1013 § 2.06.03, 1985)

17.28.040 Screening requirements.

A six-foot-tall totally sight-obscuring fence, wall or other screen of equal effectiveness shall be maintained around all industrial storage and activity areas where adjacent to or across a public right-of-way from any other zone. The planning director may waive the screening requirement in a case where a permanent feature (such as an elevated railroad grade) that meets the screening requirements exists between the project and adjacent property. The screening requirements in Section 17.50.120 shall also apply. In the case of conflict between screening requirements, the higher standards shall apply. (Ord. 1664-10 § 2 (Exh. E) (part), 2010; Ord. 1484-04 § 8 (part), 2004; Ord. 1312-98 § 1 (part), 1998; Ord. 1013 § 2.06.04, 1985)

17.28.050 General regulations on uses and property.

The following provisions shall apply to all new and expanded uses within this zone when located adjacent to a residential zoned district:

- A. There shall be no unusual fire, explosion, or safety hazards;
- B. Sound levels are not to exceed levels established by noise control regulations of the Department of Labor and Industries. Maximum permissible environmental noise levels are not to exceed the levels of the environmental designations for noise abatement (EDNA) as established by the state of Washington, Department of Ecology (WAC 173-60-040);
- C. Pollution standards set by regional, state, or federal pollution control commissions or boards shall apply to all uses;
- D. There shall be no production of heat, glare, or vibration perceptible from any property line of the premises upon which such heat, glare, or vibration is being generated;
- E. If less intense uses are proposed, they shall be located adjacent to the residential zoning to lessen the impacts of the industrial activity. Uses such as work/live units, parking areas, office buildings, stormwater facilities and open spaces should be used as a transition between industrial and residential zoning. (Ord. 1664-10 § 2 (Exh. E) (part), 2010: Ord. 1484-04 § 8 (part), 2004: Ord. 1387-00 § 2, 2000)

17.28.060 Design review.

All developments in this zone which are subject to environmental review shall comply with the design review standards of Chapter 15.44 for conformance with this and other provisions of the city code. (Ord. 1664-10 § 2 (Exh. E) (part), 2010: Ord. 1484-04 § 8 (part), 2004)

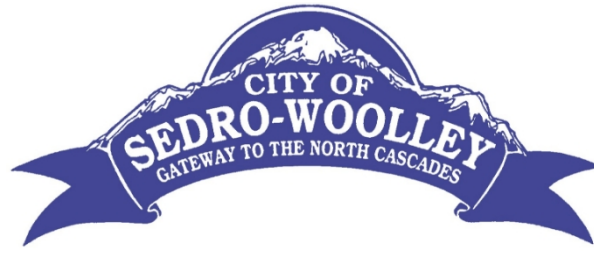
17.28.070 Parking for Work/Live Units in the Industrial Zone.

The parking requirements for work/live units in the Industrial Zone shall be as follows:

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

Work/live units shall provide parking per the table above for the residential use based on the number of bedrooms in the unit. Work/live units shall also provide parking spaces for the business use per the development standards in SWMC 17.36.030.

Parking spaces counted for the residential portion of the work/live unit shall not be counted towards the parking requirements of SWMC Ch. 17.36 for the business portion.



City Council Agenda Item

Agenda Item No.: e.3.

Date: February 7, 2024

From: Mark Freiberger, Director of Public Works

Subject: Update on Jones / John Liner / Trail Road Corridor Project

RECOMMENDED ACTION:

Discussion only, no recommended action.

ISSUE:

BACKGROUND/SUMMARY INFORMATION:

FISCAL IMPACT, IF APPROPRIATE:

ATTACHMENTS:

None