

PLANNING COMMISSION
September 17, 2024
6:30 PM
Planning Commission

a. Call to Order

b. Pledge of Allegiance

c. Roll Call

1. Welcome New Planning Commissioner, Jessica Jasper

d. Consent Agenda

1. Minutes from July 16, 2024 Planning Commission Meeting

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)

1. Proposed Amendments to Chapters 12.40 and 17.50 SWMC to Update Tree Standards
2. Proposed Amendments to Chapter 17.24 SWMC to Add a Minimum Commercial/Retail Floor Area Requirements for First Floor Area Facing Primary Street Frontage in the Central Business District

g. Unfinished Business

1. Proposed Amendments to Chapter 2.90 and Title 17 SWMC to Add Regulations for Cottage Clusters

h. New Business

1. Proposed Amendments to Title 17 SWMC to Update Residential Parking Standards

i. Information/Discussion Items

1. September 19, 2024 Housing Forum Invitation

j. Adjournment

PLANNING COMMISSIONERS

Pat Huggins

Matthew Desvoigne

Danielle Freiburger

The City of Sedro-Woolley complies with applicable Federal civil rights laws and does not discriminate on the basis of race, color, national origin, limited English proficiency, age, disability, or sex. The City of Sedro-Woolley doesn't exclude people or treat them differently because of race, color, national origin, limited English proficiency, age, disability, or sex.

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.

Join Zoom Meeting

<https://us06web.zoom.us/j/98042863482?pwd=dnpVeXp4YUJYQVBtdm10VTZ2VVlyZz09>

Meeting ID: 980 4286 3482

Passcode: 070388

One tap mobile

+12532050468,,98042863482#,,,*070388# US

+12532158782,,98042863482#,,,*070388# US (Tacoma)

Dial by your location

- +1 253 205 0468 US

- +1 253 215 8782 US (Tacoma)



Planning Commission Agenda Item

Agenda Item No.: c.1.

Date: September 17, 2024

From: Nicole McGowan, Planner

Subject: Welcome New Planning Commissioner, Jessica Jasper

RECOMMENDED ACTION:

Welcome new Planning Commissioner, Jessica Jasper.

ISSUE:

Jessica Jasper was appointed to the Planning Commission at the September 11, 2024 City Council meeting.

BACKGROUND/SUMMARY INFORMATION:

Chapter 2.48 SWMC empowers the Mayor to appoint members of the Planning Commission and the Council to confirm the appointment. With Silas Maddox's resignation, a vacant seat recently opened on the Planning Commission. Jessica Jasper has offered her service to the Commission and will be serving the remainder of Silas's 6-year term (set to expire December 31, 2028). Jessica's Letter of Interest is included as **Attachment 1**.

FISCAL IMPACT, IF APPROPRIATE:

None.

ATTACHMENTS:

1. Jessica Jasper Letter of Interest

To: Sedro-Woolley Planning Department
Attn: Tom Glover, Community Development Director
325 Metcalf Street, Sedro-Woolley, WA 98284

From: Jessica E. Jasper
7723 Fredrickson Road, Sedro-Woolley, WA 98284
(580) 647-2542
kjkdjasper@gmail.com

Greetings. I would like to express my interest in the open City Planning Commission position. I am a retired U.S. Army Chief Warrant Officer 4. I first discovered Sedro-Woolley around 2015 while long term planning for life after retirement. I heard wonderful things about the city's charm, excellent school district, and strong sports programs. In 2020, my family purchased a seven-acre farm just north of the city limits and have resided here ever since. Military life means living in many different types of communities and we are proud to have chosen this city for our life after military service.

Instead of seeking employment I have focused on finding ways to serve my community through volunteering. I currently serve extensively at the Mount Vernon Presbyterian Church. I am on two advisory boards with the school district. Previously, I have assisted the Sedro-Woolley Youth Football League, Soroptimist, and Walnut Tree Thrift Shop in several capacities.

I have an abundance of time at this point in my life and enjoy finding purpose and being challenged. We are vested in Sedro-Woolley and I would like to help in any way I can and learn more about this community we have grown love.

Thank you for your time.

Jessica E. Jasper

CITY OF SEDRO-WOOLLEY
PLANNING COMMISSION MEETING
MINUTES
July 16, 2024

CALL TO ORDER: Planning Commission Chair, Joe Franett, called the meeting to order at (6:31 p.m.)

PLEDGE OF ALLEGIANCE

ROLL CALL:

- Present Commissioners: Danielle Freiburger, Matthew Desvoigne, Joe Franett, Joe Fattizzi, Pat Huggins
- Absent Commissioners: Silas Maddox, Cassandra Sexson
- Present Staff: Thomas Glover, Nicole McGowan, Ashton Sandoval Oaks
- Members of public in attendance: 0

APPROVAL OF CONSENT AGENDA/MINUTES: Minutes from June 18, 2024 meeting were approved with two corrections.

GENERAL PUBLIC COMMENTS: (Opened at 6:36 p.m.) There were no written comments to be entered into the record, no members of the public in attendance, and no participants online. Public comments closed at 6:37 p.m.

UNFINISHED BUSINESS:

1. Proposed Amendments to Chapters 12.40 and 17.50 SWMC to Update Tree Standards

Planner, Nicole McGowan, provided a brief introduction as to why amendments to Chapters 12.40 and 17.50 SWMC are proposed. These amendments are intended to rectify several discrepancies in the municipal code identified by various Planning Commissioners and staff in the Planning and Public Works Departments. Following Nicole McGowan's introduction, Assistant Planner, Ashton Sandoval Oaks, explained the specific changes made in the chapters. These include changing "parking strip" to "planting strip," correcting the inconsistent dimensional requirements of street trees, adding and removing trees from the approved tree list, adding a table for approved tree species and dimensional requirements, and adding language that codifies the requirement to use a root barrier for trees in planting strips and/or within five feet of an underground utility line.

Following the summary of the changes to Chapter 12.40, Commissioner Joe Fattizzi directed the Commission to return to section 12.40.080 and questioned whether additional language could be added to better address the issue of existing street trees and root damage to sidewalks. Several solutions were contemplated by staff and Commissioners, including the possibility of a city-initiated sidewalk repair program. Currently, the City does offer some level of support for property owners seeking to repair their sidewalks, especially when such repairs require equipment or is a matter of public safety. Commissioner Joe Fattizzi was primarily concerned

with the vague language of section 12.40.080 and determining when it is, and isn't, appropriate for the City to become involved with the removal of, or repair from, a nuisance street tree. After some discussion, the Planning Commission requested that staff strengthen and clarify section 12.40.080 in a manner that still allows the Director of Community Development or Public Works to determine whether a tree is a nuisance or not, allowing the City to remain as the authority for determining trees as nuisances without detracting from the vague language of the code that permits a wide range of deteriorating conditions to be considered nuisance. Additional discussion with Bill Bullock, Public Works Director, shall be conducted to determine whether codified language that identifies the homeowner as the responsible individual for nuisance trees already exists.

The proposed amendments to Chapter 17.50 are largely based off the revisions in Chapter 12.40. Changes included correcting dimensional requirements to match the edits to Chapter 12.40, reducing the required deciduous tree caliper at installation to accommodate the sizes provided by most tree nurseries, and adding a subsection that codifies the requirement to use a root barrier for trees in planting strips and/or within five feet of an underground utility line, identical to the language found in the changes to Chapter 12.40.

Commissioner Danielle Freiburger asked whether staff from the Public Works Department was able to vet the list of approved street trees. Planner, Nicole McGowan, confirmed that Public Works staff did provide some guidance as to the necessary clearance beneath street tree canopies and the list of street trees. Commissioner Freiburger also wondered about the connection between tree height and proximity to underground utility lines. Assistant Planner, Ashton Sandoval Oaks, confirmed that prohibition of trees taller than 20 feet within 5 feet of an underground utility line was to ensure the roots did not encroach beneath the required root barrier and cause damage to sidewalks and other capital facilities. Commissioner Freiburger contemplated how these new regulations would impact developers building on property with existing non-conforming planting strips. Planner, Nicole McGowan, confirmed that if the planting strip does not satisfy the dimensional requirements stipulated in the code, the developer shall take alternative vegetation, such as shrubs or hedges, into consideration.

Commissioner Joe Fattizzi turned the Commission's attention to section 17.50.100 Stormwater ponds, to direct staff towards future additional code changes that are supportive of a wide range of stormwater management facilities, including but not limited to rain gardens, bioswales, and other techniques that could be classified as landscaping. The primary concern for this is to reduce impervious surface runoff in a manner that is both cost-effective and serves a secondary recreational or aesthetic function. Commissioners concurred that these stormwater management facilities should be required, but developers have numerous options to choose from that should be encouraged by the City. Rain gardens, bioswales, and like stormwater management practices are already encouraged in some areas of the Design Standards and Guidelines Manual. These could be further expanded on and tailored to the needs of the City.

Commissioner Matt Desvoigne raised a question as to why the prohibition of trees being planted within 20 feet of a fire hydrant was moved to "Permission to plant trees" from "Clear vision area." Assistant Planner, Ashton Sandoval Oaks, answered that trees planted too close to fire hydrants is more of a concern regarding where trees can be planted and less so an issue about clear vision for vehicle traffic. This turned into a larger discussion about prohibiting all

vegetation from existing within the vision clearance triangles of intersections. Planner, Nicole McGowan, was able to answer the Commission's questions as to why there was no language in these chapters specifically preventing low-profile vegetation, such as bushes, shrubs, and hedges, from being located near an intersection. Chapter 17.44 – General Regulations for All Zones, prohibits any object from being in the vision clearance triangle of an intersection between the heights of 3 and 10 feet.

As a final revision, Commissioner Danielle Freiburger requested a comma be added to 12.40.010, specifically between “safety to the community” and “preservation of public utilities,” for grammatical sense.

The Planning Commission requested that, after making the requested changes, these amendments with revisions be presented at a public hearing during the next Planning Commission meeting.

2. Council-Requested Updates to Recommended Amendments to Chapter 17.24 SWMC Minimum Commercial/Retail Floor Area in CBD

Planner, Nicole McGowan, gave an introduction of the proposed amendments. These amendments were presented to the City Council on April 10th, 2024, where the Council expressed support for requiring a minimum of 50% of the first floor area of structures in the Commercial Business District (CBD) be designated for commercial and/or retail use. The City Council also mentioned that they would support a higher percentage of commercial-designated space on the first floor, if the Planning Commission and city staff concurred. The Council proposed 75% or higher. The intention of this requirement is to maintain commercial uses on the first floor and along the street frontage of structures in the CBD.

Commissioners Joe Fattizzi, Pat Huggins, and Danielle Freiburger agreed that a higher percentage than 50% would be favorable. Commissioner Matt Desvoigne noted that many mixed-use structures have no residential use on the first and that this requirement will only burden a few property owners. Commissioner Pat Huggins inquired why the City is even considering first-floor residential units in the CBD. One potential concern that was raised by Planner, Nicole McGowan, was the fact that many structures in the CBD would become legal nonconforming structures upon approval of this code amendment, requiring owners of said structures to comply with current zoning standards if they pursued substantial redevelopment of their property. This may include removing occupied residential units on the first floor. Commissioner Joe Fattizzi recognized this risk but noted that many legal nonconforming structures already exist in Sedro-Woolley, particularly along State Route 20, and property owners of these structures should be aware of the development regulations that regard their properties. While the Commission generally agreed that a percentage greater than 50% was needed, Commissioner Joe Franett remarked that too high of a percentage would limit the amount of interior access space to the upper story residences from the first floor. Commissioner Pat Huggins recommended allowing up to 15% of the first floor area for residential use to provide ample space for elevator and stair access to the upper stories. This requires 85% of the first floor square footage in the CBD be dedicated to commercial and/or retail uses. Director Thomas Glover raised the question of how this would impact one-story structures in the CBD. Commissioner Joe Fattizzi responded that this restriction would disincentivize first floor residential uses, but not outright prohibit them in the CBD. Commissioner Danielle Freiburger

acknowledged that this regulation would preclude private garages from the CBD because they are considered a residential use and are often too large to fit within 15% of the square footage of the first floor of structures in the CBD. Commissioner Matt Desvoigne recommended not to exceed 85% as it would be too restrictive.

The Planning Commission requested that, after making the requested changes, these amendments with revisions be presented at a public hearing during the next Planning Commission meeting.

NEW BUSINESS:

1. Growth Management Act Steering Committee (GMASC) Proposed Revisions to Countywide Planning Policies

Director Thomas Glover introduced the GMASC-proposed changes to the Countywide Planning Policies (CPPs) of Skagit County. The most recent iteration of the CPPs was codified in 2002, and the proposed changes are intended to amend these policies from 2002. The Skagit Council of Governments (SCOG) has directed jurisdictions in the county to take these revised policies back to their respective officials and decision-makers for comments that will be returned to the County. After compiling the comments made by the Planning Commission, staff will present the revised CPPs to the City Council for additional feedback. Planner, Nicole McGowan, made a clarification that although these revisions will be presented to the Council of July 24th, 2024, commentary will be requested later on August 14th, 2024, to satisfy the 10-day notice requirement of a public hearing. Comments by the Planning Commission were requested to be written and sent to Planner, Nicole McGowan, before the City Council Public Hearing meeting on August 14th, 2024, in order to ensure a response is sent to GMASC no later than August 16th, 2024.

Director Thomas Glover mentioned that CPPs are often crafted to be sufficiently specific to comply with the mandated state requirements, but vague enough to allow each individual jurisdiction to create local planning policies that support the values of their community. Commissioner Danielle Freiburger wondered how this would impact the housing element of the upcoming Comprehensive Plan Periodic Update, more specifically the state-mandated allocation of net new housing by income band. Director Thomas Glover confirmed that the feedback of these policies will influence the specific allocation of net new housing between each jurisdiction. Commissioner Joe Fattizzi and Joe Franett asked how housing can be distributed by income band without discriminating against individuals. Director Thomas Glover responded that it is not the City's responsibility to apportion dwelling units by income, but to ensure the land use in the City has the capacity to provide an adequate amount of housing types for each income band, including low-barrier housing types. Commissioner Pat Huggins asked whether rent or ownership control would be an aspect of these new zoning requirements to provide housing for all income bands, or if the cities will be responsible for providing land for low-income housing that may eventually be bought up and price-gouged by large property management firms. Director Thomas Glover replied that conditions of approval may be placed onto applications of development to ensure the housing remains a low-barrier option even after it is sold to a new owner.

Commissioner Joe Franett asked if the Climate Commitment Act of Washington is repealed, whether that would null & void the Climate Resiliency chapter of the revised CCPs. Director

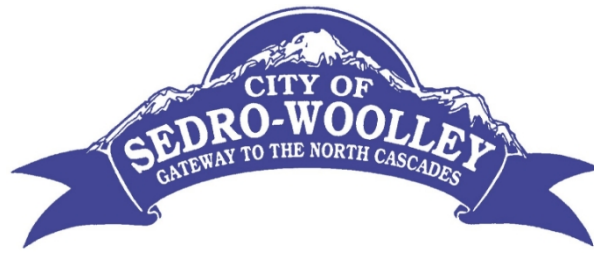
Thomas Glover responded that such an act would be issued by the legislature, and the specifics of such changes would be determined at the state level.

Planning Commissioners will provide written comments on the proposed amendments to the CCPs to Planner, Nicole McGowan, in-person at City Hall or via email to nmcgowan@sedro-woolley.gov no later than August 14th, 2024.

ADJOURNMENT: (Time: 8:28 p.m.)

PLANNING COMMISSION CHAIRMAN

PLANNING COMMISSION SECRETARY



Planning Commission Agenda Item

Agenda Item No.: f.1.

Date: September 17, 2024

From: Ashton Sandoval Oaks, Assistant Planner

Subject: Proposed Amendments to Chapters 12.40 and 17.50 SWMC to Update Tree Standards

RECOMMENDED ACTION:

Review the revisions to the proposed amendments; hold a public hearing and discuss the amendments; and make a motion to recommend that the City Council approve the proposed amendments to Chapters 12.40 and 17.50 SWMC to update tree standards.

ISSUE:

Should the Planning Commission recommend that the City Council approve the proposed amendments to Chapters 12.40 and 17.50 SWMC to update the city's tree standards?

BACKGROUND/SUMMARY INFORMATION:

These proposed amendments are intended to strengthen, add clarity, and rectify inconsistencies within the city's tree standards. A public hearing was held for this item on May 21, 2024. At that meeting, the Planning Commission identified additional areas that warranted substantial changes to the draft before a motion could be made to recommend it for Council approval. The requested changes were made and presented at the June meeting, at which the Planning Commission requested that two more minor revisions be made; the first to further strengthen and clarify Section 12.40.080 SWMC regarding nuisance tree identification, authority, and requirements for removal/mitigation and the other for grammatical sense. Discussion was also held regarding the possibility of adding language to Section 17.50.100 SWMC to encourage developers to consider a wider range of stormwater management facilities, including but not limited to rain gardens, bioswales, and other landscaping techniques, intended to reduce impervious surface runoff in a manner that is both cost-effective and serves a secondary recreational or aesthetic function. It was decided that this topic is unrelated to the topic at hand and would be addressed separately in a future meeting.

Planning staff was tasked with incorporating said revisions, then preparing for a second public hearing at the next meeting. Said minor revisions have been incorporated into the draft, included herein as **Attachment 1**. Public notice of the September 17, 2024 Planning Commission Hearing (**Attachment 2**) was published in the Skagit Valley Herald on September 5, 2024.

The proposed amendments are also supported by and implement the following goals and policies from the Land Use and Transportation Elements of the City's Comprehensive Plan:

Land Use Element

Goal LU4: To [...] preserve the characteristics of the natural environment.

Goal LU5: To preserve community character.

Policy LU5.8: Encourage high standards of appearance in all residential areas and in other high visibility areas.

Transportation Element

Goal T1: To provide safe, passable streets within the City of Sedro-Woolley.

Goal T4: To encourage alternate modes of transportation in accordance with the principals outlined in the city's adopted Complete Streets Resolution 952-17 and SWMC Chapter 15.40.030.

Policy T4.8: Continue existing program to construct missing sidewalk links, repair existing sidewalks, and other improvements to support pedestrian transportation.

FISCAL IMPACT, IF APPROPRIATE:

None

ATTACHMENTS:

1. Draft Amendments 4 (9-17-24)
2. Notice of Public Hearing for 9-17-24

Chapter 12.40

TREE STANDARDS

Sections:

[12.40.010 Purpose.](#)

[12.40.020 Definitions.](#)

[12.40.030 Permission to plant trees.](#)

[12.40.040 Utility right-of-way.](#)

[12.40.050 Removal of trees and shrubs.](#)

[12.40.060 Trimming overhanging trees—Duty of property owner.](#)

[12.40.070 Clear vision area.](#)

[12.40.080 Care and disposition of existing trees.](#)

[12.40.090 Short plats, subdivisions and planned unit development—Tree planting in rights-of-way.](#)

[12.40.100 Prohibited trees.](#)

[12.40.110 Recommended trees.](#)

[12.40.120 Planting Standards](#)

[12.40.120130 Inspection and appeal.](#)

[12.40.130140 Reserved rights.](#)

12.40.010 Purpose.

It is hereby declared that the preservation and development of the beauty of nature is essential to the progress and growth of the city. It is the policy of the city to plant and maintain, and to encourage the planting and maintenance of, desirable trees and other plantings to enhance the beauty of the community for the health, welfare and safety of its citizens. The council has become concerned with the proper selection, location and care of trees planted in ~~planting~~~~parking~~ strips, other public places and adjacent areas, and has studied ways to eliminate problems connected with adequate street illumination, safety to the community.

preservation of public utilities, and providing the greatest aesthetic value to the city. The ordinance codified in this chapter is adopted for the purpose of establishing rules and regulations relating to the planting, care and maintenance of such trees. (Ord. [1382-00](#) § 1, 2000)

12.40.020 Definitions.

As used in this chapter, the following words and phrases shall have the meanings ascribed to them:

A. "Owner" means the legal owner of real property fronting or abutting on any property of the city and any lessees of such owner, including fee owner and holder of a purchaser's interest in a real estate contract.

~~B. "Parking strip" means that part of the public street or avenue, or right-of-way not covered by sidewalks, lying between the property line and the curb or that portion of the street or avenue being used for vehicular traffic.~~

B. "Planting strip" means that part of the public right-of-way lying between the sidewalk and back of curb, or lying between the sidewalk and the adjacent property boundary, which contains ground cover supportive of plant material.

C. "Public property" means all roads, streets, avenues, alleys, public rights-of-way, tree lawns, ~~plantingparking~~ strips or any public property or portion thereof of the city. (Ord. [1382-00](#) § 2, 2000)

12.40.030 Permission to plant trees.

All trees, shrubs and plants planted in any public place or right-of-way shall be with prior permission of the city and in accordance with the provisions of this chapter. No tree shall be planted in any ~~plantingparking~~ strip or public property less than ~~five~~~~four~~ feet wide. No tree shall be planted closer to any curb or sidewalk than the following: small trees, two feet; medium trees, three feet; and large trees, four feet. On streets that do not have curbs and/or sidewalks or planters, the city shall approve the location of new trees consistent with street and sidewalk standards. No tree shall be planted within ~~twenty feet of another tree or within~~ twenty-five feet of a street light or intersection. No street tree shall be planted closer than twenty feet from any fire hydrant. Trees planted under utility lines shall not exceed a maximum mature height of twenty-five feet. ~~Only No street tree other than small~~ and medium trees may be planted under or within ten lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water line, transmission line, or other utility, provided the trees' mature height is less than or equal to twenty feet. (Ord. [1382-00](#) § 3, 2000)

Tree Size	Small, Narrow	Medium	Large
Minimum Planting Strip Width	5 feet	7 feet	10 feet
Average Tree Spacing	20 feet	30 feet	40 feet
Minimum Tree Setback from Vehicular traffic	2 feet from back of curb	3 feet from back of curb	4 feet from back of curb
Minimum Vertical Sidewalk Clearance	8 feet	8 feet	8 feet
Minimum Vertical Road Clearance	14 feet	14 feet	14 feet
Maximum Tree Height within 10 feet of an Overhead Utility	20 feet	20 feet	<i>Large trees prohibited</i>
Maximum Tree Height within 5 feet of an Underground Utility	20 feet	20 feet	<i>Large trees prohibited</i>

12.40.040 Utility right-of-way.

Notwithstanding any other provision of this chapter, all trees shall be placed and maintained in such a manner as not to interfere with any utility franchise, license or right-of-way granted, or to be granted, by the city. (Ord. [1382-00](#) § 4, 2000)

12.40.050 Removal of trees and shrubs.

The stumps and roots of trees or shrubs removed under the authority of this chapter shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground. The remaining roots shall be treated with a suitable compound to prevent future sprouting or growth. Roots from trees planted on public property or adjacent private property, which have disrupted or broken the adjacent street surface, sidewalk or curb, shall be repaired at the adjacent property owner's expense. (Ord. [1382-00](#) § 5, 2000)

12.40.060 Trimming overhanging trees—Duty of property owner.

All property owners within the corporate limits of the city shall, at their own expense, keep all trees, brush and other foliage from projecting out over the public streets and sidewalks and alleys so as not to interfere, in any way, with the use of street construction, utility franchises right-of-way and license, and cleaning equipment, nor shall the same interfere with sidewalk traffic or create a hazardous situation insofar as the same obstructs the view of motorists using the public streets. (Ord. [1382-00](#) § 5, 2000)

It shall be the responsibility of the adjacent property owner of the sidewalk to regularly trim street trees off the sidewalk to provide a vertical clearance of eight feet above the surface so as not to constitute a hazard or impediment to the progress or vision of anyone traveling on public property.

12.40.070 Clear vision area.

A clear vision area shall be maintained on the corners of all property adjacent to the intersection of two streets or of a street and a private drive or street, alley or railroad. A clear vision area shall contain no planting, fence or other temporary or permanent obstruction exceeding three feet in height, measured from the top of the curb, or where no curb exists, from the established centerline grade of the street. Taller trees may be permitted if all branches and foliage to a height of eight feet above the top of the curb or sidewalk and fourteen feet above the street are removed. No tree shall be planted closer than twenty feet from any public or private street corner, measured from the nearest intersection curb or curblane. ~~No street tree shall be planted closer than twenty feet from any fire hydrant.~~ (Ord. [1382-00](#) § 6, 2000)

12.40.080 Care and disposition of existing trees.

Any hazardous or nuisance trees in existence on the effective date of the ordinance codified in this chapter shall be removed or rectified by the property owner. The city may remove, or cause to be removed, at the expense of the abutting land owner, a tree or part of a tree which is in an unsafe condition or constitutes a public nuisance, or which by reason of its nature is injurious to utilities, sidewalks, capital facilities, or other public improvements, or which otherwise satisfies the criteria of types of nuisances as defined in 8.16.020 SWMC. If a hazardous or nuisance tree is not deemed an immediate danger to public safety or property, the city may require a report conducted by a certified arborist be submitted to the Public Works Department to determine whether such tree shall be removed and by what means. Hazardous or nuisance trees deemed immediately dangerous to public safety or property shall be removed at the expense of the abutting land owner. The final decision to remove a hazardous or nuisance tree shall be made by the Public Works Director. The city may, but is not required, to contribute to the cost of removal and replanting by payment or in-kind services. (Ord. [1382-00](#) § 7, 2000)

The city does not hold the authority to require removal of trees which are located outside of the public right-of-way, or which cause hazardous or nuisance conditions outside of the public right-of-way, or which do not constitute an immediate danger to public safety or property.

12.40.090 Short plats, subdivisions and planned unit development—Tree planting in rights-of-way.

Other than distances noted above from street corners and utilities, developers of short plats, subdivisions and ~~PRUDs~~ are required to plant trees in plantingparking strips per the following requirements: Small tTrees shall be planted every twenty feet on average ~~(at a minimum~~

~~depending on the size of the tree), medium trees every thirty feet on average, and large trees every forty feet on average,~~ with ground cover or shrubs to be used liberally. In the instance of commercial or industrial planned unit development adjacent to residentially zoned property, trees must be planted a maximum of fifteen feet on-center and in conformance with the remainder of the landscaping requirements established in Section [17.50.080](#) of the Sedro-Woolley Municipal Code. (Ord. [1382-00](#) § 8, 2000)

12.40.100 Prohibited trees.

Street trees must not become a nuisance or be a disruption to city infrastructure or public safety and general welfare. It is unlawful to plant in or on any ~~planting~~parking strip or other public property, the following kinds of trees: Poplar, Willow, Cottonwood, fruit-bearing or nut-bearing, Elkhorn, Mountain Ash, Oregon or Big-Leaf Maple. (Ord. [1382-00](#) § 9, 2000)

12.40.110 Recommended trees.

Trees appropriate under overhead utility lines shall be no taller than twenty feet at maximum height. Recommended trees that meet this requirement are identified below with "UT" (i.e. utility tree).

A. Small, ~~or~~ narrow street trees (~~minimum average~~ spacing: twenty feet, ~~minimum planting strip width: five feet, minimum tree setback from vehicular traffic: two feet from back of curb~~):

~~1. Ash (flowering ash);~~

~~2. Flowering Cherry (nonfruit bearing);~~

~~3. Laurel (California Laurel);~~

~~4. Magnolia (Evergreen magnolia);~~

~~5. Myrtle (Oregon myrtle);~~

~~6. Oak (Holly oak).~~

1. American Hornbeam (UT);

2. American Smoke Tree (UT);

3. Ash (Flowering ash);

4. Dogwood (Eddie's White Wonder dogwood [UT], Pacific dogwood [UT]);

5. Dove-tree;

6. Magnolia (Little Gem magnolia [UT]);

7. Maple (Bigtooth maple, Buckeye maple [UT], Burgundy Lace Japanese maple [UT], David's maple, Paperback maple [UT], Rocky Mountain maple [UT], Three Flower maple [UT], Trident maple [UT], Vine maple [UT]);

8. Myrtle (Sarah's Favorite Crape myrtle [UT]);

9. Oak (Crimson Spire oak);

10. Redbud (Oklahoma redbud) (UT);

11. Sourwood;

12. Washington Hawthorn (UT).

B. Medium Size Street Trees (minimum average spacing: thirty feet, minimum planting strip width: seven feet, minimum tree setback from vehicular traffic: three feet from back of curb):

1. ~~Ash (Flame, Golden Desert, etc.);~~

2. ~~Beech (Rivers Purple beech);~~

3. ~~Birch (Paper birch, River birch);~~

4. ~~Crabapple (Flowering crabapple);~~

5. ~~Gum (sweet gum);~~

6. ~~Honey Locust;~~

7. ~~Linden (Littleleaf linden);~~

8. ~~Maple (Autumn Blaze, October Glory, Norwegian Sunset, Pacific Sunset, Autumn Flame, Hedge maple);~~

9. ~~Maple (Red maple);~~

10. ~~Maple (Sugar maple);~~

11. ~~Oak (Scarlet oak, English oak);~~

12. ~~Redwood (Dawn redwood);~~

~~13. Yellowwood;~~

~~14. Village green.~~

1. Ash (Flame, Golden Desert);

2. Beech (Rivers Purple beech);

3. Birch (Paper birch, River birch);

4. Crabapple (Flowering crabapple) (UT);

5. Ginkgo Biloba (*male species only*);

6. Laurel (California laurel);

7. Linden (Littleleaf linden);

8. Magnolia (Kobus magnolia);

9. Maple (Autumn Blaze, Autumn Flame, Hedge maple [UT], Norwegian Sunset, October Glory, Pacific Sunset, Red maple, Sugar maple);

10. Redbud (Eastern redbud [UT], Forest Pansy redbud [UT]);

11. Village Green Zelkova;

12. Yellowwood.

C. Large Boulevard Trees (~~minimum average~~ spacing: forty feet, minimum planting strip width: ten feet, minimum tree setback from vehicular traffic: four feet from back of curb):

~~1. Beech (European beech, etc.);~~

~~2. Chestnuts (Chinese chestnuts, Ft. McNair Pink Horsechestnut);~~

~~3. Maidenhair tree;~~

~~4. Sycamore maple;~~

~~5. Oak (Red oaks);~~

~~6. Tulip tree.~~

1. Beech (European beech, etc.);
2. Chestnut (Chinese chestnut, Fort McNair Pink Horsechestnut);
3. Elm (American elm, Athena Classic elm, Frontier elm, Homestead elm) (*Dutch Elm Disease resistant species only*);
4. Linden (Silver linden);
5. Maple (Sycamore maple);
6. Oak (Chinkapin oak, Garry oak, Oregon White, Red oak, Scarlet oak);
7. Shawnee Brave Bald Cypress;
8. Sweet Gum;
9. Tulip Tree.

Small, Narrow	Medium Sized	Large Boulevard	Trees Recommended beneath Overhead Utility Lines	Prohibited Street Trees
American Hornbeam	Ash (Flame, Golden Desert)	Beech (European beech, etc.)	American Hornbeam	Big-Leaf Maple
American Smoke Tree	Beech (Rivers Purple beech)	Chestnuts (Chinese chestnuts, Ft. McNair Pink Horsechestnut)	American Smoke Tree	Cottonwood
Buckeye Maple	Birch (Paper birch, River birch)	Elm (American elm, Athena Classic elm, Frontier elm, Homestead elm) (Dutch Elm Disease resistant only)	Buckeye Maple	Elkhorn
Burgundy Lace Japanese Maple	Crabapple (flowering crabapple)	Gum (Sweet gum)	Burgundy Lace Japanese Maple	Fruit- or nut-bearing trees
Dogwood (Eddie's White Wonder dogwood, Pacific dogwood)	Ginkgo Biloba (male only)	Oak (Red oak, Oregon White, Chinkapin, Scarlet oak, Garry oak)	Crabapple (Flowering Crabapple)	Mountain Ash
Dove-Tree	Laurel (California Laurel)	Shawnee Brave Bald Cypress	Eastern Redbud	Oregon Maple
Flowering Ash	Linden (Littleleaf linden)	Silver Linden	Eddie's White Wonder Dogwood	Poplar
Little Gem Magnolia	Magnolia (Kobus Magnolia)	Sycamore maple	Forest Pansy Redbud	Willow
Maple (Bigtooth Maple, David's maple, Paperback maple, Rocky Mountain maple, Trident maple, Vine maple)	Maple (Autumn Blaze, October Glory, Norwegian Sunset, Pacific Sunset, Autumn Flame, Hedge maple, Red maple, Sugar maple)	Tulip Tree	Hedge Maple	
Oak (Crimson Spire oak)	Redbud (Eastern redbud, Forest Pansy redbud)		Little Gem Magnolia	
Oklahoma Redbud	Village Green Zelkova		Oklahoma Redbud	
Sarah's Favorite Crape Myrtle	Yellowwood		Pacific Dogwood	
Sourwood			Paperback Maple	
Three Flower Maple			Rocky Mountain Maple	
Washington Hawthorn			Sarah's Favorite Crape Myrtle	
			Three Flower Maple	
			Trident Maple	
			Vine Maple	
			Washington Hawthorn	

Adjacent property owners may recommend alternative tree species. These trees will be subject to approval by the city following review of the recommended species. (Ord. [1382-00](#) § 10, 2000)

12.40.120 Planting standards.

A. Street trees shall be planted in accordance with the standards of SWMC 17.50.070.

B. Where street trees are planted in the planting strip of the public right-of-way and/or within five feet of an underground utility line, root barriers as required per the Public Works Department standards shall be installed to protect such infrastructure from future damage.

12.40.130 ~~120~~ Inspection and appeal.

A. The city may inspect any tree upon or which overhangs any public property or lawn to determine whether the same or any portion thereof is in such a condition as to constitute a hazard or impediment to the progress or vision of anyone traveling on public property. Any tree or part thereof growing upon private or public property, but overhanging or interfering with the use of public property that endangers life, health, safety or property, or is otherwise in violation of this chapter, is hereby declared to be a public nuisance. The city shall by written notice require the adjacent property owner to abate the nuisance by trimming, destroying or removal, at the owner's cost and expense. The property owner shall have thirty days from the date of the notification of the nuisance to remove or trim the hazardous or nuisance tree. If the adjacent property owner does not cause the nuisance to be corrected or removed, the city may abate the nuisance and the cost shall be assessed to the adjacent property owner.

B. Appeals from the city determination that a nuisance exists may be made by any citizen or the adjacent property owner within ten days after the property owner is notified of the city determination. Such determination may be appealed to the city council at the next regularly scheduled meeting. Action taken by the city council on such appeal shall be final.

C. If the owner of such private property does not correct or remove such nuisance within thirty days after receipt of written notice from the city, they shall be guilty of a civil infraction, and subject to a monetary penalty of not more than the amount listed in the master fee schedule adopted by resolution of the city council. Each day for which the violation is allowed to continue shall be a separate offense. Nothing contained in this chapter shall be deemed to impose any liability upon the city, its officers or employees, nor to relieve the owner of any private property from the duty to keep any tree upon his property or under his control in such a condition as to prevent it from constituting a public nuisance as defined in this section. (Ord. [2013-22](#) § 36, 2022; Ord. [1382-00](#) § 11, 2000)

12.40.140 ~~130~~ Reserved rights.

Nothing in this chapter shall create a property right or interest in the public right-of-way for adjoining owners. The city may amend or repeal all or part of this chapter at any time.
(Ord. [1382-00](#) § 12, 2000)

Chapter 17.50

LANDSCAPING

Sections:

[17.50.010 Purpose.](#)

[17.50.020 Applicability.](#)

[17.50.030 Site landscaping required review.](#)

[17.50.040 Minimum site requirements.](#)

[17.50.050 Prohibited uses.](#)

[17.50.060 Landscaping plan submittal requirements.](#)

[17.50.070 Minimum landscape material specifications.](#)

[17.50.080 Low impact development option.](#)

[17.50.090 Maintenance of plant materials.](#)

[17.50.100 Stormwater ponds.](#)

[17.50.110 Existing site vegetation.](#)

[17.50.120 Screening requirements.](#)

[17.50.130 Street tree requirement.](#)

[17.50.140 Parking lot landscaping.](#)

17.50.010 Purpose.

A. A provision of quality landscaping is necessary to maintain property values, enhance the appearance of the city, mitigate impacts of development such as erosion and light/glare, promote natural systems, improve air quality, provide habitat, reduce noise, reduce the impacts on storm drainage systems, and provide a buffer between land uses.

B. Landscaping can be provided as a tool to be used in partnership with potential developers and citizens in Sedro-Woolley to enhance the community. (Ord. [1517-05](#) § 1 (part), 2005)

17.50.020 Applicability.

- A. The requirements of this chapter shall be imposed at the time of land use permit review, including: land alteration or land development such as subdivisions, short subdivisions, a change in lot coverage, a change in area devoted to parking and circulation, and projects requiring design review.
- B. This chapter does not apply to a permit for a single-family dwelling less than one acre, unless restrictions have been placed on clearing and site design under separate permit authority.
- C. This chapter does not apply to areas within the central business district (CBD) which is bounded on the north and west by the railroad tracks, on the south by State Street, and on the east by Puget Avenue. This area is substantially developed on zero setbacks from the right-of-way, making it impractical to provide on-site landscaping which would satisfy the purpose and intent of this chapter. Businesses located in this exempt area are encouraged to participate in other projects and improvements programs to enhance and improve the character and appearance of the city. (Ord. [1517-05](#) § 1 (part), 2005)

17.50.030 Site landscaping required review.

The planning director shall use the Sedro-Woolley design and development guidelines landscaping section as it pertains to that zone as a guide for design and layout when reviewing applications.

- A. The director shall perform landscape review for all applications, permits and land use actions.
- B. The public works department shall review all landscape and irrigation system designs. Irrigation shall be designed in accordance with Skagit PUD No. 1. (Ord. [2032-22](#) § 14, 2023; Ord. [1593-07](#) § 1, 2007; Ord. [1517-05](#) § 1 (part), 2005)

17.50.040 Minimum site requirements.

- A. In no case shall the total amount of landscaping be less than ten percent of the total site area. For subdivisions, the total amount of landscaping shall be not less than ten percent of the combined net lot area plus ten percent of the site open space. Developments may include any critical area and/or shoreline buffer areas when calculating landscape area if native vegetation is enhanced.
- B. Stormwater detention dry ponds can only be included in the minimum landscaping area if low impact development techniques are used.
- C. Zoning/Use Classification—Percent of Gross Site Area.

Residential 15	20%
Residential in Mixed Commercial	20%
Mixed Commercial (excluding the CBD)	15%
Industrial	10%
Commercial uses in industrial district	15%
Public	10%
PRD's and CUP's	As required by planning commission

(Ord. [1517-05](#) § 1 (part), 2005)

17.50.050 Prohibited uses.

The following uses are not permitted in required landscape areas:

- A. Parking of motor vehicles or recreational vehicles, including: campers, travel trailers, motor homes, boats or trailers;
- B. Installation of impervious surfaces;
- C. Storage of materials, including, but not limited to, hazardous waste, industrial equipment, and supplies. (Ord. [1517-05](#) § 1 (part), 2005)

17.50.060 Landscaping plan submittal requirements.

If the landscaped and irrigated area on the subject property exceeds five hundred square feet, or if the applicant requests the low impact development option, the director shall require approval of the proposed landscape plan by a privately retained licensed landscape architect, Washington Certified Nurseryman or Washington Certified Landscaper. All landscaping plans shall be prepared in accordance with the following requirements:

- A. Ten sets of landscape plans drawn to a scale of one inch equals fifty feet or larger (e.g., one inch equals thirty feet, one inch equals twenty feet). The plan should include a bar scale for reference;
- B. Name and address or location of the project;
- C. Vicinity map;
- D. Scale, north arrow and date of the plan;

- E. All property lines, easements, rights-of-way, streets, walks, vehicular drives, parking lots, existing and proposed structures, building entrances, freestanding lights, service or loading areas, signs, overhead and belowground utilities, open spaces, plazas, and recreation amenities with materials noted;
- F. Location, sizes and species of existing vegetation within landscape areas. Natural areas should be designated as such;
- G. Location of all trees, shrubs and ground cover to be planted;
- H. Any proposed or existing physical elements (such as fencing, curbing, benches, etc.) that may affect the overall landscape;
- I. Parking layout, including circulation, driveway location, parking stalls and curbing;
- J. Existing and proposed contours (maximum five-foot intervals, two feet contours preferred), elevations, and delineation of any critical areas;
- K. Dimensioned landscaped areas;
- L. Location of irrigation system, source of water, and type of irrigation system;
- M. A legend that shows symbols and type of plantings;
- N. All plant materials shall be shown on the landscaping plan at three-quarters mature size in appropriate relation to the chosen scale of the plan;
- O. The plan shall state the estimated date for installation and completion of all plantings and finish materials;
- P. The landscape plan shall identify the location and dimensions of any designated environmentally sensitive areas and required buffers;
- Q. A plant schedule shall be included which indicates the scientific and common names, quantities, sizes and spacing for all plants in the landscape plan. Quantities are not required on a preliminary landscape plan;
- R. Planting details including installation and maintenance notes and or requirements;
- S. PUD approval for irrigation systems;
- T. Identify type and number of significant trees; identify those significant trees to be saved and those to be removed and identify replacement stumpage. (Ord. [1517-05](#) § 1 (part), 2005)

17.50.070 Minimum landscape material specifications.

- A. The applicant shall utilize plant materials that complement the natural character of the Pacific Northwest that are drought tolerant and are adaptable to the climatic, topographic, and hydrologic characteristics of the site.
- B. If the subject property includes a sensitive or critical area, the applicant shall utilize plant species that enhance that sensitive area.
- C. The applicant should utilize plant materials that reduce or eliminate the need for fertilizers, herbicides, or other chemical controls, especially for properties that include wildlife habitat areas, shorelines, or wetlands.
- D. Street trees shall be provided as follows:
1. Minimum planting strip width: ~~ten feet;~~ five feet for small trees, seven feet for medium trees, and ten feet for large trees;
 2. ~~Maximum~~ Spacing: Trees shall be planted at an average of ~~twenty~~thirty feet apart for small trees, an average of thirty feet apart for medium trees, and an average of forty feet apart for large trees, with ground cover or shrubs used liberally;
 3. Plant ~~V~~varieties: Trees utilized in this area shall be of varieties that do not conflict with underground and overhead utilities. These trees may be selected from the city's suggested list of plant materials, or an approved equivalent.
- E. All plantings shall have the following minimum size at installation:
1. Deciduous trees: ~~two~~three-inch caliper;
 2. Evergreen trees: six-foot minimum height ~~range~~;
 3. Vine maples and other multi-stemmed trees: seven-foot minimum height;
 4. Medium and tall shrubs: twenty-four-~~to thirty~~-inch minimum height;
 5. Ground cover: four-~~inch~~ minimum heightes (approximately eighteen inches on center);
 6. Shall not interfere with sight distance;
 7. Shall not be installed within ~~two~~three feet of back of curb for ~~speed less than thirty-five mph and ten feet from back of curb for thirty-five mph or over~~ small trees, within

three feet of back of curb for medium trees, or within four feet of back of curb for large trees. (Ord. [1517-05](#) § 1 (part), 2005)

F. Where trees are to be planted in the planting strip of the public right-of-way or within five feet of a pedestrian walkway and/or underground utility line, root barriers as required per the Public Works Department standards shall be installed to protect such infrastructure from future damage.

17.50.080 Low impact development option.

The purpose of this option is to provide an additional landscaping option that has the potential to reduce impacts on the existing stormwater drainage infrastructure, and aid in meeting Endangered Species Act requirements. Low impact development strives to protect or restore the natural hydrology of the site so that the overall integrity of the watershed is protected. Low impact development is encouraged by the city of Sedro-Woolley because it:

- A. Protects the environment;
- B. Reduces costs to developers;
- C. Makes communities more attractive;
- D. Uses vegetation and small-scale hydraulic controls to capture, treat and infiltrate stormwater on site.

More specific information about low impact development will be available as requested through the planning and public works departments. (Ord. [1517-05](#) § 1 (part), 2005)

17.50.090 Maintenance of plant materials.

The following performance standards shall apply to all landscape areas of which this chapter applies:

- A. The property owner shall replace any unhealthy or dead plant materials in conformance with the approved landscape development proposal and shall maintain all landscape material.
- B. An assignment of funds or performance bond shall be for one hundred twenty-five percent of the estimated improvements. The funds shall remain in place until the last required planting of the subject development has been planted. Only then, the assignment of funds or performance bond shall be reduced as a maintenance guarantee in an amount that is fifty percent of the original assignment of funds for performance. The maintenance guarantee shall include maintenance during the guarantee period and replacement of dead or unhealthy plants at the conclusion of the guarantee period. The length of the guarantee shall be no less than one year with an eighty percent survival rate and always cover at least one growing season (May

through September). The end date of the assignment of funds or performance bond shall be determined by the city and applicant.

C. Maintenance of landscaping intended for screening purposes shall be pruned or altered to maintain planting health only, not to maximize retail visibility or minimize screening.

D. The required landscaping must be installed prior to issuance of the temporary certificate of occupancy unless the director determines that an assignment of funds or performance bond, for a period of not more than a year, will adequately protect the interests of the city.
(Ord. [1517-05](#) § 1 (part), 2005)

17.50.100 Stormwater ponds.

A. Site improvements meant to control water runoff shall be designed, when reasonably possible, to fulfill multiple functions including:

1. Regulate stormwater discharge;
2. Improve water quality;
3. Provide wildlife habitat;
4. Provide an aesthetic amenity;
5. Provide passive recreation opportunities such as walking or sitting areas; sports fields or fountains;
6. Provide shade for water temperature mitigation.

B. Any required site drainage plan, including conceptual plans, shall include the location and landscape design of stormwater ponds.

C. Stormwater ponds shall be used as aesthetic features in the site master plan. The following shall be considered when designing ponds:

1. Reduce the need for fencing by designing safe ponds which have side slopes less than 3:1 and normal water depths less than twenty-four inches;
2. Create ponds that are irregular in shape;
3. Design the pond to blend in with the surrounding environmental conditions;
4. Provide a topographic bench around the perimeter of the pond for safety;

5. Retain any existing high quality vegetation around perimeter of site;
6. Provide a pedestrian walkway and seating areas around perimeter;
7. Utilize landscaping to provide shade, create habitat, and add screening;
8. No landscaping below one-hundred-year storm elevation.

These guidelines do not replace standards for stormwater retention/detention pond design. (Ord. [1517-05](#) § 1 (part), 2005)

17.50.110 Existing site vegetation.

Significant existing trees and shrubs shall be incorporated into the landscaping. "Significant trees" shall be those eight inches evergreen and ten inches deciduous trees in diameter at a point five feet above ground level. The site plan for the project shall include the location of significant trees, and shall identify which trees will be retained on the site. Care shall be taken in the grading and construction process so as not to disturb the roots and drip line of existing trees to be retained, and to ensure proper irrigation. Orange construction fencing will be constructed outside the drip line of existing trees. If significant trees cannot be incorporated into the site design because of street or building design, such trees shall be replaced with equivalent stumpage for over ten percent reduction as approved by the city planner. (Ord. [1517-05](#) § 1 (part), 2005)

17.50.120 Screening requirements.

A. Purpose. The requirements of this section are intended to reduce the visual impacts and incompatible characteristics of:

1. Abutting properties with different land use classifications;
2. Service areas and facilities, including loading and storage areas;
3. Any other use or area as required under this section or by the planning commission;
4. Oncoming or glaring headlights when required by the public works department.

B. Landscaping. Screen planting shall consist of evergreen trees planted a maximum of fifteen feet on center; deciduous trees for seasonal color and texture planted a maximum of fifteen feet on center; and medium-sized shrubs (three to five feet at maturity) at five feet on center and ground cover plants at a density to form an effective barrier to cover eighty-five percent of the ground surface within two years. Irrigation must be installed for all screening areas.

C. Minimum Width. The landscaped screening area shall be thirty feet wide and vegetation shall be eighty percent sight-obscuring at time of planting and one hundred percent within two years that extends a minimum of six feet above the adjacent sidewalk or road right-of-way unless the use of an earth berm, fence, or wall is incorporated into the screening, as provided below:

1. Earth Berm Alternative. If an earth berm that extends a minimum of six feet above the adjacent sidewalk or road right-of-way is incorporated into the screening plan, the width of the screening area may be reduced to fifteen feet with landscaping per subsection B of this section.
2. Fence Alternative. If a fence that extends a minimum of six feet above the adjacent sidewalk or road right-of-way is incorporated into the screening plan, the width of the screening area may be reduced to fifteen feet with landscaping per subsection B of this section. The fence shall be subject to design approval by the planning director.
3. Wall Alternative. If a wall that extends a minimum of six feet above the adjacent sidewalk or road right-of-way is incorporated into the screening plan, the screening area may be reduced to ten feet with landscaping per subsection B of this section. Screen walls shall be constructed with masonry, block, or textured concrete, subject to design approval by the planning director.

D. Uses Requiring Screening. Screening is required to protect adjacent properties from probable negative impacts of any permitted or conditional use in a zone. Screening shall be required in the following instances:

1. Developments located in zones on the left side of the chart, below, shall provide screening when adjoining zones specified on the right side of the chart.

Zone to Be Developed	Zone to Be Screened
Residential-15 (R-15)	Any other residential zone
Public	Any residential zone
Mixed commercial	Any residential zone
Industrial	Any residential zone, mixed commercial zone, public zone

2. Mobile home parks shall have screening installed around the perimeter of the development in the required open space buffer, which shall not be less than twenty feet in width.

3. Unless otherwise required through the conditional use process, screening is not required along public rights-of-way except in the industrial zone. Screening along public rights-of-way is required in the industrial zone when the zoning across the public right-of-way is zoned anything other than industrial.

E. Any material that enhances the visual appearance and screening may be utilized. All screening materials are subject to design review as per Chapter [15.44](#). (Ord. [1664-10](#) § 2 (Exh. D), 2010; Ord. [1517-05](#) § 1 (part), 2005)

17.50.130 Street tree requirement.

The applicant of a project requiring a land use permit or design review by the city shall provide street trees in the public right-of-way abutting the property in accordance with SWMC Chapter [12.40](#). (Ord. [1517-05](#) § 1 (part), 2005)

17.50.140 Parking lot landscaping.

The provisions of this section are intended to soften the visual effect created by large expanses of barren asphalt; increase the amount of permeable surface; and reduce the quantity and speed of runoff from the site:

- A. Area of Application. The provisions of this section shall apply to the interior of parking areas providing twenty or more spaces;
- B. Required Area. Fifteen square feet of landscaping per parking space;
- C. Minimum Width. Planting islands shall have a minimum width of eight feet;
- D. Location of Plantings Areas. Parking area landscaping shall be located at the ends of parking columns, between the parking stalls oriented in the same direction as the stalls, or between rows of parking to break up and define parking areas;
- E. Tree and Shrub Requirements. A minimum of one tree shall be required for every one hundred fifty square feet, or fraction thereof, of required landscaped area. Deciduous trees shall have a clear trunk at least five feet above ground and a minimum size of two inches diameter breast high (dbh). Low shrubs shall be provided on the perimeter of the landscaping islands, in addition to other ground cover or flowers. Other landscape materials shall comply with the general provisions of this section;
- F. Landscape Protection. Any trees, shrubs, or plants which are susceptible to damage by pedestrian or motor vehicles shall be protected by appropriate curbs, tree guards or other protective devices;

G. Pedestrian walkways may be included in landscaped areas and the standards of this section modified to accommodate them. (Ord. [1517-05](#) § 1 (part), 2005)

NOTICE OF PUBLIC HEARING

CITY OF SEDRO-WOOLLEY

Amendments to Development Regulations

Hybrid Meeting

City of Sedro-Woolley Council Chamber and Virtually via Zoom Webinar

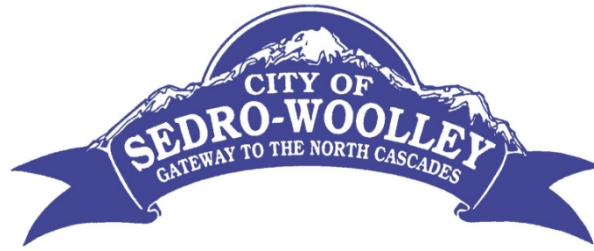
The City of Sedro-Woolley Planning Commission will hold a public hearing on **Tuesday, September 17, 2024 at 6:30 PM** in the Sedro-Woolley Council Chamber and virtually via Zoom Webinar, to hear testimony regarding the following proposed amendments to the City Development Regulations:

1. Proposed amendments to Chapter 12.40 SWMC and SWMC 17.50.070 to Update Tree Standards

Interested parties can comment on the proposed changes in writing or at the hearing. Written comments will be read into the public record and **must be received by 4:30PM September 17, 2024** to be considered at this public hearing. Send written comments to: City of Sedro-Woolley Planning Department, ATTN: Planner, 325 Metcalf Street, Sedro-Woolley, Washington, 98284, or by email to nmcgowan@sedro-woolley.gov.

Please go to the Meetings portal on the Sedro-Woolley website (<https://sedrowoolleywa.portal.civicclerk.com>) to find the meeting materials and a link to join the webinar.

Published in the Skagit Valley Herald: September 5, 2024



Planning Commission Agenda Item

Agenda Item No.: f.2.

Date: September 17, 2024

From: Nicole McGowan, Planner

Subject: Proposed Amendments to Chapter 17.24 SWMC to Add a Minimum Commercial/Retail Floor Area Requirements for First Floor Area Facing Primary Street Frontage in the Central Business District

RECOMMENDED ACTION:

Review the revised amendments; hold a public hearing and discuss the amendments; and make a motion to recommend that the City Council approve the proposed amendments to Chapter 17.24 SWMC.

ISSUE:

Currently, Chapter 17.24 SWMC allows multifamily housing located above or behind a commercial/retail occupancy in the Central Business District (CBD). However, no minimum floor area requirement specifying how much of that space must be designated for commercial/retail exists. As a result, viable first-floor commercial spaces are being converted for residential use in a zone that is intended primarily for business use.

BACKGROUND/SUMMARY INFORMATION:

Previously, the Planning Commission recommended to City Council that a minimum of 50% of the first floor area facing primary street frontage in the CBD be designated for commercial/retail use. This was presented to the Council at their February and April meetings. After discussion at the April meeting, the Council expressed that they would prefer the minimum percentage to be higher to emphasize the importance of preventing the deviation from the planned land use of this zone and maintaining an appropriate balance between residential and commercial spaces to ensure the longevity of the zone's economic purpose.

The draft amendments have been updated to reflect the Council's request, requiring a minimum of 75% commercial/retail space. Said revised amendments are included herein as **Attachment 1**. Public notice of the September 17, 2024 Planning Commission Public Hearing (**Attachment 2**) was published in the Skagit Valley Herald on September 5, 2024.

The proposed amendments are also supported by and implement the following goals and policies from the Land Use and Economic Development Elements of the Sedro-Woolley Comprehensive Plan:

Land Use Element

Goal LU5: To preserve community character.

Policy LU5.1: Focus commercial development in the central business district [...].

Policy LU5.8: Encourage high standards of appearance in [...] high visibility areas.

Economic Development Element

Goal E1: To develop a sound fiscal base.

Policy E1.1: Create employment opportunities within the Sedro-Woolley economy, particularly for residents who now commute to other distant employment areas.

Goal E2: To increase economic opportunities.

Policy E2.1: Encourage local business development opportunities and utilization by the private and public sector, particularly for small start-up businesses owned by or employing Sedro-Woolley residents. [...]

Policy E2.6: Create local employment, shopping and other urban service activities that reduce Sedro-Woolley's dependence upon urban areas.

Policy E3.1: Promote tourism as a means of diversifying the economy and preserving the history of the community.

Policy 3.11: Support the development of tourist attractions within the Sedro-Woolley area, such as the Sedro-Woolley Museum.

Policy E3.19: Promote the sprucing-up of the downtown business district [...] to instill a sense of ownership and foster long-term connections to the community [...].

FISCAL IMPACT, IF APPROPRIATE:

None.

ATTACHMENTS:

1. Draft Amendments 4 - CBD Commercial Space Requirement
2. Notice of Public Hearing for 9-17-24

Attachment 1

Proposed Amendments to Chapter 17.24 SWMC

Chapter 17.24 CENTRAL BUSINESS DISTRICT (CBD) ZONE

Sections:

[17.24.010 Use restrictions.](#)

[17.24.020 Bulk restrictions.](#)

[17.24.030 Minimum lot size requirements.](#)

[17.24.040 Hazardous waste.](#)

[17.24.050 Parking.](#)

17.24.010 Use restrictions.

Use restrictions in the central business district shall be as follows:

A. Permitted Uses.

1. All forms of commerce; geared to the centralized provision of goods and services within easy walking distance. Commercial retail and office use on the first floor, and retail-compatible uses on the second floor;

2. Multifamily housing located above the first floor or at the rear of a commercial and/or retail occupancy. An exception from the buffering and fencing requirement exists for upper story residences in existing buildings in an area bordered by the tracks to the west, Puget Street to the east, the tracks to the north, and Warner Street to the south;

Multifamily housing located above the first floor or at the rear of a commercial and/or retail occupancy per this subsection must also meet the following:

a. A minimum of 75% of the first floor area must be designated for commercial and/or retail use.

b. The commercial and/or retail use shall face the primary street frontage.

c. Private garages are considered a residential use and shall not count toward commercial and/or retail floor area.

d. 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 to the residential units 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.

3. Multifamily housing, between two and four units per building, may be allowed independent of commercial uses outside of the area bordered by the tracks to the west, Puget Street to the east, the tracks to the north, and Warner Street to the south. Also excluded is property fronting on Metcalf Street, West Ferry Street, West State Street and property abutting the tracks between Rita Street and Walley Street (south of State Street). Multifamily housing per this subsection must also meet the following:

- a. The front entries must be oriented towards the public right-of-way,
- b. The development must meet the requirements of the Sedro-Woolley design standards for the CBD and multifamily development;

4. Parking lots serving any use; provided they are at the rear of a retail or commercial building, or facing a street other than Metcalf, Ferry, Woodworth, or State;

5. *Repealed by Ord. [1709-11](#);*

6. Public uses;

7. Public facilities.

B. Conditional Uses.

1. Alcohol serving establishments.

2. Alcohol production establishments, subject to the following conditions:

a. A minimum of sixty percent of the building floor area shall be designated for retail/commercial use. Outdoor seating areas are specifically excluded from floor area calculations. Any associated kitchen floor area is specifically included in the calculation for retail/commercial floor area;

b. The required number of parking spaces shall be calculated by using a combination of Section [17.36.030](#)(G), "high intensity sales and service," and (M), "industry, wholesaling, warehousing, nonpassenger transportation facilities except ministorage"; and

c. A maximum of twenty-five percent of the building's street frontage may be designed to display the production portion of the facility or other nonretail/noncommercial uses; provided, that all other applicable design standards

are met. At minimum, seventy-five percent of the building's street frontage must display a retail/commercial storefront.

3. All uses not permitted above.

4. Quasi-public uses.

C. Prohibited Uses. Adult entertainment establishments; heavy industrial uses as defined in Chapter [17.28](#); wireless communication towers. (Ord. [2044-23](#) § 3, 2023; Ord. [1709-11](#) § 2, 2011; Ord. [1696-11](#) § 2, 2011; Ord. [1693-10](#) § 1, 2010; Ord. [1664-10](#) § 2 (Exh. B) (part), 2010; Ord. [1451-03](#) § 3, 2003; Ord. [1312-98](#) § 1 (part); 1998: Ord. [1309-98](#) § 7, 1998: Ord. [1013](#) § 2.05.01, 1985)

17.24.020 Bulk restrictions.

Bulk restrictions in the central business district (CBD) shall be as follows:

A. Minimum setbacks: none; maximum setback: ten feet if pedestrian features are included.

B. Maximum building height: sixty feet. (Ord. [1677-10](#) § 1 (part), 2010; Ord. [1664-10](#) § 2 (Exh. B) (part), 2010; Ord. [1451-03](#) § 4; Ord. [1312-98](#) § 1 (part); 1998: Ord. [1013](#) § 2.05.02, 1985)

17.24.030 Minimum lot size requirements.

Minimum lot size requirements in the central business district (CBD) shall be as follows:

A. Lot area: none;

B. Lot frontage on a street: twenty feet. (Ord. [1664-10](#) § 2 (Exh. B) (part), 2010; Ord. [1451-03](#) § 5; Ord. [1312-98](#) § 1 (part); 1998: Ord. [1013](#) § 2.05.03, 1985)

17.24.040 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 citing standards and Sedro-Woolley and State Environmental Policy Act requirements. (Ord. [1664-10](#) § 2 (Exh. B) (part), 2010; Ord. [1312-98](#) § 1 (part); 1998: Ord. [1063](#) § 4 (Exh. C § 2.05.04), 1988)

17.24.050 Parking.

A. Intent. To encourage the creation of a downtown parking district administered by the city. It would be authorized to collect in-lieu parking fees from new residential uses downtown and use that revenue, with any other revenue it generates, to manage a downtown parking district.

The district may construct and maintain downtown parking for motor vehicles and bikes, lease parking, or otherwise monitor the provision of adequate parking and/or promotion of alternatives to driving.

B. The goal of the central business district is to create a pedestrian-friendly environment and to encourage commerce. Parking requirements in the downtown shall be as follows:

1. Except for new construction as described in subsection (B)(2) of this section, parking for new buildings in the central business district shall be provided as follows:

Tier 1	New buildings with: • 10 or fewer residential units • 4,000 square feet or fewer of commercial space	Residential units associated with commercial/retail use: no off-street parking required. Commercial uses: standard off-street parking per Chapter 17.36 . Public uses: no off-street parking required.
Tier 2	New buildings with: • 11 or more residential units • More than 4,000 square feet of commercial space	Residential units associated with commercial/retail use: reduced off-street parking. Commercial uses: standard off-street parking per Chapter 17.36 . Public uses: no off-street parking required.

2. Parking for new buildings located within the area bounded on the north and west by the railroad rights-of-way, on the south by the alley in between State and Warner Streets, and on the east by Puget Avenue/4th Avenue shall be provided as follows:

Tier 1	New buildings with: • 10 or fewer residential units • 4,000 square feet or fewer of commercial space	Residential units associated with commercial/retail use: no off-street parking required. Retail and restaurant uses: no off-street parking required. Public uses: no off-street parking required. All uses not described: standard off-street parking per Chapter 17.36
Tier 2	New buildings with: • 11 or more residential units • More than 4,000 square feet of commercial space	Residential units associated with commercial/retail use: reduced off-street parking. Retail and restaurant uses: no off-street parking required. Public uses: no off-street parking required. All uses not described: standard off-street parking per Chapter 17.36

3. Reduced residential parking standards referenced in subsections (B)(1) through (2) of this section are as follows:

Studio	1 space
1 bedroom	1 spaces
2 bedrooms	1.5 spaces

3 or more bedrooms	1 space per bedroom up to 2 bedrooms, 0.5 space per additional bedroom over 2 bedrooms
Visitor/overflow spaces	1 additional space per 10 units

Rooms indicated on building plans as “office,” “extra room,” “play room” or other rooms that may reasonably be considered for use as a bedroom may be counted as bedrooms for parking purposes by the planning director.

4. New commercial or retail development may propose a shared parking arrangement to the planning director for review and approval.

5. Parking for residential buildings that do not include commercial uses, as allowed per Section [17.24.010\(A\)\(3\)](#), shall be accessed from the alley when an alley exists. The number of spaces required for residential buildings that do not include commercial uses 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

Rooms indicated on building plans as “office,” “extra room,” “play room” or other rooms that may reasonably be considered for use as a bedroom may be counted as bedrooms for parking purposes by the planning director.

6. There shall be a minimum off-street parking apron of twenty-five feet in length directly in front of all garage doors for residential buildings that do not include commercial uses per Section [17.24.010\(A\)\(3\)](#). (Ord. [1979-21](#) § 1 (Exh. A), 2021; Ord. [1664-10](#) § 2 (Exh. B) (part), 2010; Ord. [1451-03](#) § 6)

NOTICE OF PUBLIC HEARING

CITY OF SEDRO-WOOLLEY

Amendments to Development Regulations

Hybrid Meeting

City of Sedro-Woolley Council Chamber and Virtually via Zoom Webinar

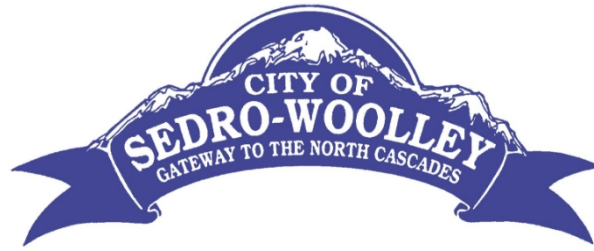
The City of Sedro-Woolley Planning Commission will hold a public hearing on **Tuesday, September 17, 2024 at 6:30 PM** in the Sedro-Woolley Council Chamber and virtually via Zoom Webinar, to hear testimony regarding the following proposed amendments to the City Development Regulations:

1. Possible Amendments to Chapter 17.24 SWMC to Add a Minimum Commercial/Retail Floor Area Requirement for First Floor Area Facing Primary Street Frontage in the Central Business District

Interested parties can comment on the proposed changes in writing or at the hearing. Written comments will be read into the public record and **must be received by 4:30PM September 17, 2024** to be considered at this public hearing. Send written comments to: City of Sedro-Woolley Planning Department, ATTN: Planner, 325 Metcalf Street, Sedro-Woolley, Washington, 98284, or by email to nmcgowan@sedro-woolley.gov.

Please go to the Meetings portal on the Sedro-Woolley website (<https://sedrowoolleywa.portal.civicclerk.com>) to find the meeting materials and a link to join the webinar.

Published in the Skagit Valley Herald: September 5, 2024



Planning Commission Agenda Item

Agenda Item No.: g.1.

Date: September 17, 2024

From: Nicole McGowan, Planner

Subject: Proposed Amendments to Chapter 2.90 and Title 17 SWMC to Add Regulations for Cottage Clusters

RECOMMENDED ACTION:

Review and discuss the revised amendments and propose any recommended changes.

ISSUE:

Should the Planning Commission recommend that the City Council adopt the proposed amendments to Chapter 2.90 and Title 17 SWMC to add regulations for cottage clusters?

BACKGROUND/SUMMARY INFORMATION:

At the June 18, 2024 meeting, the Planning Commission held an open table discussion regarding the draft regulations for cottage cluster housing developments. One major topic of interest was what mechanisms exist that can help ensure these developments stay affordable. The Planning Commission, after some deliberation and hearing recommendations from Raymond Faber of Faber Construction, responsible in part for the construction of the Wildwood Cottages development located at Lake Whatcom, concurred that park models should be allowed within these developments along with implementation of some design standards. From an affordability standpoint, park models are one of the most financially feasible options for construction.

A definition for "park model" has been added back in to the draft under SWMC 17.04.030. In addition, the draft of the new chapter to be included in the City of Sedro-Woolley Design Standards and Guidelines Manual has been written to ensure any residence constructed within a cottage cluster development is designed to resemble that of a typical single-family residence, minimizing any undesirable impact on adjacent properties. Much of the proposed design standards for cottage clusters were copied from those in the existing chapter that regulate design of residences in a Planned Residential Development (PRD). The expectations for PRD construction are a high standard of appearance and quality of construction - the same expectations will apply to cottage cluster developments.

At the open table discussion, a question arose regarding the possibility of the City requiring cottage clusters to be specifically for home ownership - in other words, not for renting. The City's legal counsel asserted that this would not be supported by State law. To support this assertion, one can look to the new ADU laws that state cities cannot have requirements for owner occupancy.

Another question also arose at the open table discussion to which the answer is much more promising. The Planning Commission questioned what the legal limitations might be of requiring that cottage

cluster homes cannot be sold for more than 40% market value, stemming from conversation about community land trusts. This question was also forwarded to the City's legal counsel and a memorandum (included as **Attachment 1**) was received in response. This memorandum reflects what the Planning Commission has the ability to do when recommending regulations to Council. It is also written from the incentive perspective, as you cannot permit something outright and then condition it on affordability. The mechanism must be an incentive-based program of sorts.

Planning staff have included a definition for "permanent affordable housing" in SWMC 17.04.030 and have included a new density bonus incentive for cottage cluster developments that provide permanent affordable housing accordingly (see new section SWMC 17.120.050(B)). Planning staff are open to discussing potential revisions of this language and other options for encouraging cottage clusters to be built for permanent affordable housing.

A final notable addition was included under new section SWMC 17.120.060 to add a separation requirement for cottage cluster developments. It is proposed that no cottage cluster development be located within 1,000 feet of another cottage cluster development. The purpose of this separation requirement is to promote balanced and thoughtful urban infill while preventing over-concentration of cottage housing in a single area. Exceptions to this rule may be granted by the Director if certain conditions are met.

The latest revisions of the draft amendments to the SWMC and the Design Standards and Guidelines Manual are included herein as **Attachments 2 and 3** respectively.

FISCAL IMPACT, IF APPROPRIATE:

None.

ATTACHMENTS:

1. SEDRO CLT Memo - Permanent Affordable Housing (7-22-24)
2. Draft Amendments 4 - Cottage Clusters (9-17-24)
3. SW Design Standard & Guidelines - Cottage Clusters Chapter Proposal 3 (9-17-24)



MEMORANDUM

TO: Nicole McGowan
FROM: Dan Curtis
DATE: 7/22/2024
RE: CLTs and affordable housing

QUESTIONS PRESENTED

Under the Growth Management Act, does the city violate state law or the unconstitutional conditions doctrine if it preconditions density bonuses that would allow for cottage cluster housing permits on the requirement that cottage cluster housing be made available only to qualifying low-income applicants and thereby meets the need for permanent affordable housing?

What are the limitations on requiring that cottage cluster homes be sold for no more than 40% market value?

BRIEF ANSWER

The City would not violate state law or the unconstitutional conditions doctrine by preconditioning density bonuses for cottage cluster housing permits on the requirement that such housing be made available as low income housing. This approach is consistent with the Growth Management Act, particularly RCW 36.70A.540 and RCW 36.70A.040 and aligns with the goals



and requirements of the GMA. Additionally, the requirement likely satisfies the principles of permissible exactions under the unconstitutional conditions doctrine, given its clear nexus and rough proportionality to the City's affordable housing goals.

However, it is important to note that such preconditions are only allowed if they are in conjunction with an incentive like a density bonus and are not allowed as preconditions to a permit that would be issuable under normal zoning regulations absent an incentive or bonus. See RCW 36.70A.540(1)(c).

Resale limitations are permissible under several different theories provided they meet the requirements of the statute of frauds, rule against perpetuities and are otherwise legal. If they are instituted by the city, they are subject to the incentive bonus rule under RCW 36.70A.540(1)(c) and the unconstitutional conditions doctrine.

DISCUSSION

First, RCW 36.70A.540 allows cities or counties to adopt development regulations, including density bonuses, to meet affordable housing goals. These incentive programs can include various measures such as height and bulk bonuses, fee waivers, parking reductions, and expedited permitting. Cities or counties planning under RCW 36.70A. 040 may enact or expand affordable housing incentive programs to develop low-income housing units through development regulations. Local discretion in planning is bounded by the goals and requirements of the Growth Management Act (GMA) RCW 36.70A. The GMA mandates that local plans must be consistent with its goals and requirements.



Secondly, the unconstitutional conditions doctrine requires that any conditions imposed by the city must have an “essential nexus” and “rough proportionality” to the impact of the proposed development. *Nollan v. Cal. Coastal Com.*, 483 U.S. 825, 837; *Dolan v. City of Tigard*, 512 U.S. 374, 377.

Finally, resale restrictions are permissible as a means of creating permanently affordable housing in Washington under the Growth Management Act.

Affordable housing incentives under the GMA

The City's requirement that cottage cluster housing be made available only to qualifying low-income applicants as a condition for density bonuses aligns with RCW 36.70A. 540(1)(a)(i). This statute explicitly allows for the use of density bonuses as part of affordable housing incentive programs. RCW 36.70A. 040 supports the enactment or expansion of affordable housing incentive programs to develop low-income housing units through development regulations. Therefore, the City's precondition is consistent with state law.

Applicable state law

Limited by the Growth Management Act, cities may only condition permits that depend on the incentives themselves and would not be issuable absent the award of an affordable housing incentive.

RCW 36.70A.540(1)(c):

“If a developer chooses not to participate in an optional affordable housing incentive program adopted and authorized under this section, a city, county, or town may not condition, deny, or delay the issuance of a permit or development



approval that is consistent with zoning and development standards on the subject property absent incentive provisions of this program.”

Unconstitutional conditions doctrine

Any conditions imposed by the City must have an “essential nexus” and “rough proportionality” to the impact of the proposed development.

Essential nexus means the exaction must have a rational connection to the burden the government seeks to avoid. The nexus requirement derives from *Nollan v. California Coastal Commission*, 483 U.S. 825, 107 S. Ct. 3141 (1987). The requirement that cottage cluster housing be made available only to qualifying low-income applicants has a clear nexus to the City's goal of promoting affordable housing.

Rough proportionality means that the amount of the exaction must roughly correspond to the burden placed on the government, resulting from the proposed development. *Dolan v. City of Tigard*, 512 U.S. 374, 114 S. Ct. 2309 (1994). The proportionality of this affordable housing precondition is roughly proportional given the direct benefit of increased affordable housing compared to the additional burdens associated with the increased density of housing that would be a direct cause of the project. Such as the increased demand on streets and sidewalks, law enforcement, parking, utilities, public transportation, education and other local infrastructure and essential services.

Resale restrictions

City imposed resale restrictions are subject to all the above, including the requirement that they be connected to an incentive rather than imposed as a precondition to an otherwise



permissible action under normal zoning regulations. Non-governmental organizations, private parties, and Community Land Trusts may also be interested in imposing resale restrictions for the purpose of perpetuating affordable housing and may do so under certain parameters.

In Washington, property to be owned or rented by low-income households for a long-term period is called “permanently affordable housing.” RCW 39.89.020 defines the term as follows:

- (6) "Permanently affordable housing" means housing, regardless of ownership, for which there is a legally binding, recorded document in effect that limits the price at which the owner may sell or restricts the occupancy of the unit to a qualified, low-income household, for a period of at least 40 years for a property used for shelter or rental housing, or for a period of at least 25 years for a property to be owned by a low-income household. These documents include, but are not limited to, affordability covenants, deed restrictions, and community land trust leases. Resale restrictions exercised by providers of permanently affordable housing can include, but are not limited to:
- (a) Continuous ownership of land by a public entity or nonprofit housing provider with a lease allowing ownership of the structure by an income-eligible household;
 - (b) A nonpossessory interest or right in real property, such as a deed restriction, restrictive covenant, resale restriction, or other contractual agreement, that ensures affordability.

Washington law supports the creation of permanently affordable housing through perpetual deed restrictions both by nonpossessory interests such as recorded covenants or deed restrictions that run with the deed and by lease terms on underlying land. Provided that the restrictions are otherwise legally binding, comply with all other state and federal law and do not violate the statute of frauds, or rule against perpetuities. There is no practical issue with avoiding violations of the statute of frauds as the requirements that restrictions be agreed to in writing are common practice. The rule against perpetuities has not been applied to 99-year leases or deed restrictions for affordable housing in Washington, but violation of the rule can be avoided by



inserting common language within a contract containing restrictions. For example, restrictions on the property must vest within 20 years of the life of the last living individual born at Providence hospital on the date the contract is signed.

Formation of a CLT would allow the trust to own and lease out the underlying land and enforce such resale requirements as terms of the land lease. CLT formation would also provide a more robust framework to create, monitor, justify and enforce nonpossessory deed restrictions. But a CLT is not required to implement lease terms for underlying land or deed restrictions for the purpose of permanent affordable housing in Washington.

Regarding the specific requirement that the property be sold at no more than 40 percent market value, there is no *per se* prohibition on such a restriction, but it may not be the most effective or justifiable means of perpetuating affordable housing. A blanket 40 percent rule is permissible so long as it has a nexus to an ongoing need for affordable housing and the burden to the seller is roughly proportionate to the burden caused by the sale. Given that framework, a more nuanced and narrowly tailored precondition is preferable.

In addition to unconstitutional conditions issues, the 40 percent rule may be underinclusive of other socioeconomic factors and therefore fall short of the city's intent. For example, if the area median income increases dramatically, but the housing market dips, it may not be just to require a low-income homeowner to suffer a loss on the sale of their home based solely on the 40 percent metric if the intent is to perpetuate affordable housing. A more comprehensive approach that accounts for a wider array of indexes such as the consumer price



index, area median income, interest rates, etc. may be more beneficial to low-income households in the long term than a blanket 40 percent rule.

There is no *per se* prohibition on non-government entities limiting resale to at or below 40 percent of market value for the purpose of creating permanent affordable housing in Washington. This can be done by either perpetual deed restrictions or by way of a 99-year lease on the underlying land that includes lease terms restricting the resale of the home.

However, permanently affordable housing is still subject to all the laws normally applicable to contract formation and enforceability including the statute of frauds and the rule against perpetuities. It is also important to consider that property rights and restrictions are presumed valid only to the extent they serve human interests. Therefore, to decrease the likelihood of a future legal challenge, and to increase the utility of the affordable housing plan for low-income households, it may be prudent to consider a wider range of factors besides real estate market value.

CONCLUSION

For the foregoing reasons, the city may impose an affordable housing precondition rationally related to affordable housing in connection with a density bonus that allows for cottage cluster homes. Resale restrictions are also permissible preconditions by the city under the same theory and by non-city entities such as CLTs, but a blanket 40 percent rule is not the best method for restricting resale.

.



**THOMPSON ♦ GUILDNER
& ASSOCIATES INC. P.S.**

110 Cedar Ave, Ste 102

Snohomish, WA 98290

360.568.3119

www.trustedguidancelaw.com

Chapter 2.90

CONSOLIDATED PLANNING PROCEDURES*

[...]

2.90.060 Authority and responsibilities.

[...]

C. Planning Director or Designee.

1. Authority. The planning director or designee shall review and act on the following:

- a. Building and grading permits;
- b. Binding site plan approval for commercial or industrial developments;
- c. Environmental review.
 - i. Make threshold determinations for environmental checklists;
 - ii. Authorize circulation of draft environmental impact statements;
 - iii. Approve and issue final environmental impact statements;
 - iv. Approve mitigation conditions for mitigated determinations of nonsignificance and final environmental impact statements;
- d. Interpretation of flood insurance rate map boundaries;
- e. Boundary line adjustments (B.L.A.);
- f. Modifications.
 - i. Minor modifications to previously approved site plan;
 - ii. Modifications of street standards;
 - iii. Minor modifications of landscaping requirements;
 - iv. Minor amendment to PUD_{7.2}

- g. Planned action determinations;
- h. Review of business licenses for home occupations;
- i. Shoreline exemptions;
- j. Shoreline permits;
- k. Short plats – nine or less;
- l. Temporary use permits;
- m. Variances – administrative;
- n. Modifications of the number of required parking stalls and the requirements of the parking, loading and driveway regulations;
- o. Temporary homeless encampment permits;
- p. Design review;
- q. Development authorization applications.
 - i. Accessory Dwelling Unit (ADU) applications;
 - ii. Cottage cluster applications.

[...]

2.90.070 Permit classification.

[...]

G. Land Use Permit Procedures.

1. Permit Classification Table.

Table 2.90.070(G)(1)—Permit Classification Table

Land Use Permit/Action	Permit Type					
	I	II	III	IV	V	VI
Accessory Dwelling Unit	X					
Administrative Determination	X					
Binding Site Plan		X				
Boundary Line Adjustment	X					
Building Permit SEPA Exempt	X					
Code Interpretation	X					
Comprehensive Plan Map (and Rezone) or Text Amendments						X
Conditional Use Permit			X			
<u>Cottage Cluster</u>		X				
Design Review with Building Permit	X					

[...]

2. Summary of Permit Processes.

	Type I	Type II	Type III	Type IV	Type V	Type VI	Shoreline Permits and Annexations
Pre-Application Meeting	No	Required for short plats, building permits with street improvements, <u>cottage clusters</u> , and all other non-single-family residential actions	Required, unless waived by director	Required, unless waived by director	No	Required, unless waived by director	Required, unless waived by director
Letter of Completeness	No	Required	Required	Required	No	No	No

	Type I	Type II	Type III	Type IV	Type V	Type VI	Shoreline Permits and Annexations
Notice of Application	No	Required	Required	Required	Required	Required for site-specific projects	See Chapter 35A.14 RCW or the shoreline management master program
Notice of Hearing	Not applicable	Not applicable	Required	Required	Required	Required	See Chapter 35A.14 RCW or the shoreline management master program
Open Record Public Hearing	No	No	Yes, before hearing examiner to render final decision	Yes, before hearing examiner to make recommendation to city council	No	Yes, before planning commission to make recommendation to city council	See Chapter 35A.14 RCW or the shoreline management master program
Recommendation Made By	Not applicable	Not applicable	Not applicable	Hearing examiner	Staff	Planning commission	See Chapter 35A.14 RCW or the shoreline management master program
Final Decision Made By	Planning director	Planning director	Hearing examiner	City council	City council	City council	See Chapter 35A.14 RCW or the shoreline management master program
Notice of Decision	Required unless exempt per Section 2.90.040	Required	Required	Required	Required	Required	See Chapter 35A.14 RCW or the shoreline management master program

	Type I	Type II	Type III	Type IV	Type V	Type VI	Shoreline Permits and Annexations
Judicial Appeal	See Section 2.9 0.090	See Section 2.9 0.090	See Section 2.9 0.090	See Section 2.9 0.090	See Section 2.9 0.090	See Section 2.9 0.090	See Chapter 35A.14 RCW or the shoreline management master program

[...]

2.90.100 Submittal requirements—Specific to application type.

[...]

Table 2.90.100(B)—Land Use Application Submittal Requirements ***Note: this table shortened to show proposed submittal requirements for Cottage Cluster Development Authorization only***

SUBMITTAL REQUIREMENTS	TYPE OF APPLICATION	Cottage Cluster
Affidavit of installation of public information sign	<u>1</u>	
Affidavit of mailout	<u>2</u>	
Application fee	<u>X</u>	
<u>Cottage cluster plan, conceptual</u>	<u>1</u>	
Draft homeowners' association documents if applicable	<u>1</u>	
Draft restrictive covenants, if any	<u>1</u>	
Environmental checklist	<u>1</u>	
Existing covenants (recorded copy)	<u>1</u>	
Existing easements (recorded copy)	<u>1</u>	
List of surrounding property owners	<u>1</u>	
Mailing envelopes for property owners (assessor's office list required)	<u>2</u>	
Map of existing conditions of the site	<u>1</u>	
Neighborhood detail map	<u>1</u>	
Parking, lot coverage and landscaping analysis	<u>1</u>	
Postage for each set of mailing	<u>2</u>	
Preapplication meeting summary, if any	<u>1</u>	
Project summary	<u>1</u>	
PUD water availability letter	<u>1</u>	
Site plan, land use review	<u>1</u>	
Title report	<u>1</u>	

Title 17 ZONING

Chapters:

- [17.04 Administrative Provisions](#)
- [17.06 Residential 1 Environmentally Constrained \(R-1\) Zone](#)
- [17.08 Residential 5 \(R-5\) Zone](#)
- [17.12 Residential 7 \(R-7\) Zone](#)
- [17.16 Residential 15 \(R-15\) Zone](#)
- [17.20 Mixed Commercial \(MC\) Zone](#)
- [17.21 Urban Village Mixed-Use \(UVMU\) Overlay](#)
- [17.22 Transitional Mixed Commercial Overlay](#)
- [17.24 Central Business District \(CBD\) Zone](#)
- [17.28 Industrial \(I\) Zone](#)
- [17.32 Public \(P\) Zone](#)
- [17.34 Open Space \(OS\) Zone](#)
- [17.36 Off-street Parking and Loading](#)
- [17.38 Residential Recreation Areas](#)
- [17.40 Signs](#)
- [17.43 Planned Residential Development \(PRD\)](#)
- [17.44 General Regulations for All Zones](#)
- [17.48 Mobile Home Parks](#)
- [17.50 Landscaping](#)
- [17.51 Murals](#)
- [17.52 *Repealed*](#)
- [17.56 Conditional Use Permits](#)
- [17.60 Variances and Zoning Waivers](#)
- [17.64 Temporary Permits](#)
- [17.65 Regulations for Critical Areas](#)
- [17.66 Flood Damage Prevention](#)
- [17.68 Home Occupation Permits](#)
- [17.72 *Repealed*](#)
- [17.76 *Repealed*](#)
- [17.80 Enforcement](#)
- [17.84 Adult Entertainment Establishments](#)
- [17.88 Essential Public Facilities](#)
- [17.90 Collective Gardens](#)
- [17.92 Recreational Marijuana Producers, Processors and Retailers](#)
- [17.96 City of Sedro-Woolley Shoreline Master Program](#)
- [17.98 Model Homes](#)
- [17.100 Accessory Dwelling Units \(ADUs\)](#)
- [17.110 Homeless Encampments at Religious Organizations](#)
- [17.120 Cottage Clusters](#)

Chapter 17.04

ADMINISTRATIVE PROVISIONS

[...]

17.04.030 Definitions.

[...]

“Corner lot” means a lot with frontage on more than one public right-of-way, excluding alleys.

“Cottage home” means a small permanent dwelling that is greater than 400 square feet and no larger than 1,200 square feet. Cottage homes must be built in compliance with the Washington State Building Code.

“Dependent relative cottage” means a single-family residence which:

1. Is located on the same lot as another single-family residence;
2. Is inhabited only by the relative of the other single-family residence which relative is only able to safely maintain a separate household due to the support or supervisory care of family members in close proximity;
3. Is designed for ease of removal, dismantling, or conversion to an accessory use after termination of use as a dependent relative cottage; and
4. Meets the setback requirements for an accessory building.

[...]

“Ownership” means a lot or group of contiguous lots under the ownership.

“Park model” means a dwelling that is no larger than 400 square feet, built to American National Standards Institute (ANSI) 119.5 specifications. For the purposes of Chapter 17.120, park models are mounted on a foundation for permanent installation and are used as a primary residence and include a kitchen, bathroom, and sleeping/living area.

“Permanent affordable housing” means housing, regardless of ownership, for which there is a legally binding, recorded document in effect that limits the price at which the owner may sell or restricts the occupancy of the unit to a qualified, low-income household, for a period of at least 40 years for a property used for shelter or rental housing, or for a period of at least 25 years for a property to be owned by a low-income household. These documents include, but are not limited to, affordability covenants, deed restrictions, and community land trust leases. Resale

restrictions exercised by providers of permanently affordable housing can include, but are not limited to:

1. Continuous ownership of land by a public entity or nonprofit housing provider with a lease allowing ownership of the structure by an income-eligible household;
2. A nonpossessory interest or right in real property, such as a deed restriction, restrictive covenant, resale restriction, or other contractual agreement, that ensures affordability.

“Permitted use” means a use permitted within a zone, including uses accessory to the permitted use.

[...]

“Recreational vehicle” means a motor vehicle designed to also serve as a temporary living quarter.

“Ride-Sharing system” means a service that connects passengers with drivers for the common use of a motor-vehicle in order to share the costs or compensate the driver.

“Secure community transition facility (SCTF)” means, under RCW [71.09.020](#), a residential facility for persons civilly committed and conditionally released to a less restrictive alternative under Chapter [71.09](#) RCW. A secure community transition facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. Secure community transition facilities include but are not limited to the facility established pursuant to RCW [71.09.250](#) and any community-based facilities established under this chapter and operated by the Washington State Secretary of Social and Health Services or under contract with the Secretary. For the purposes of Chapter [17.88](#), SCTFs also include supervised or unsupervised, private or publicly owned re-entry housing, work-release housing, half-way housing or any such housing with the primary purpose or use being the lodging of occupants who have been convicted of a felony.

“Self-Help program” means a housing initiative in which a government agency, non-profit organization or other local community group utilizes a structures and systematic approach to assist individuals with creating and maintaining their own living spaces.

“Setback” means the shortest horizontal distance between a lot line and the exterior surface of any building, fence or other significant sight-obscuring structure located on such lot; provided, that:

1. If the lot line lies within a proposed public right-of-way or proposed widening thereof as designated in the comprehensive plan, as determined by reference to the functional categorization of streets and right-of-way width standards for each, then the setback shall be measured from the revised lot line that would result from such new right-of way or widening thereof.

2. The following protrusions shall be considered exempt from setback requirements to a maximum of three feet:

- a. Eaves;
- b. Bay windows;
- c. Chimneys and fireplaces;
- d. Unenclosed, uncovered porches, terraces, landings or steps;
- e. Other incidental components in conformance with the intent of this definition.

[...]

“Structure” means a stationary manmade object or part thereof erected on the ground with an intention of some permanence, excluding objects less than three feet in height.

“Tiny home” means a permanent dwelling that is a minimum of 205 square feet and no larger than 400 square feet, including a kitchen, bathroom, and sleeping/living area, and must be built in compliance with the Washington State Building Code.

“Trailer” means a device designed to be drawn by a motor vehicle and provide temporary living quarters.

[...]

Chapter 17.08 RESIDENTIAL 5 (R-5) ZONE

[...]

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](#);
7. Cottage clusters in compliance with Chapter 17.120.

[...]

Chapter 17.12

RESIDENTIAL 7 (R-7) ZONE

[...]

17.12.010 Use restrictions.

Use restrictions in the residential R-7 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. One duplex per lot with nine thousand square foot minimum lot size, in compliance with the requirements set forth in this chapter, which meet the following requirements, in addition to any other requirements imposed by ordinance:
 - a. Be situated on a lot of not less than nine thousand square foot minimum size, with a minimum width of eighty feet at the building line, a minimum depth of one hundred feet, and a minimum lot frontage on a public street of twenty feet;
 - b. Provide off-street parking for four vehicles;
 - c. Be designed to resemble a single-family residence so as to blend in with the design and appearance of the surrounding residences in the neighborhood;
 - d. No more than one duplex shall be allowed per any three successive lots adjoined by side property lines as defined in Section [17.04.030](#).

Exception: Lots which have twenty feet or less frontage on the public street shall not be required to be counted on a successive lot. This exception is intended to allow successive duplexes if located behind single-family lots.

5. Child day care centers meeting state requirements;
6. Adult or family day care facilities meeting state requirements;
7. Accessory dwelling units in compliance with Chapter [17.100](#);
8. Cottage clusters in compliance with Chapter 17.120.

[...]

Chapter 17.16

RESIDENTIAL 15 (R-15) ZONE

[...]

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;
11. Cottage clusters in compliance with Chapter 17.120.

[...]

Chapter 17.120 **Cottage Clusters**

Sections:

- 17.120.010 Purpose.**
- 17.120.020 Zoning districts where permitted.**
- 17.120.030 Permitted uses.**
- 17.120.040 Permits required.**
- 17.120.050 Density.**
- 17.120.060 Relationship of design to adjacent areas.**
- 17.120.070 Property development standards.**
- 17.120.080 Design review.**
- 17.120.090 Approval procedure.**
- 17.120.100 Approval criteria.**
- 17.120.110 Requirement for homeowner's association and restrictive covenants.**

17.120.010 Purpose.

It is the purpose of this chapter to create an affordable option for long term/permanent housing, integrated with Sedro-Woolley's existing residential building types and configurations. Furthermore, it is the purpose of this section to:

- A. Provide a framework for the development of cottage clusters;
- B. Promote/implement affordable housing communities;
- C. Promote shared communities that are healthy and sustainable;
- D. Provide a new form of housing while maintaining the historic look and feel of Sedro-Woolley neighborhoods;
- E. Encourage maximum efficiency in the layout of streets and internal access drives, stormwater facilities, utility networks and other public improvements through innovative site layout and the use of clustering;

- F. Create and/or preserve usable open space for the enjoyment of the occupants; and
- G. Encourage infill within areas of the city which are characterized by existing development.

17.120.020 Zoning districts where permitted.

Cottage clusters may be permitted in the following zoning districts:

- A. R-5, residential 5;
- B. R-7, residential 7;
- C. R-15, residential 15;

17.120.030 Permitted uses.

The following uses are allowed in cottage clusters:

- A. Cottage homes as defined in SWMC 17.04.030
- B. Tiny homes as defined in SWMC 17.04.030
- C. Park models as defined in SWMC 17.04.030

17.120.040 Permits required.

A development authorization application is required for all cottage clusters. Application for a cottage cluster shall be made in accordance with the permit procedures established in Chapter 2.90. The director shall have the authority to approve cottage clusters which are consistent with the surrounding neighborhood character and the regulations and provisions herein. It is not the intent of these regulations to provide for cottage clusters on every residential property where there is potential for infill and they shall not be deemed to create a right or privilege to establish or maintain a cottage cluster which is not strictly in compliance with these regulations.

17.120.050 Density.

- A. Permitted Density. Density shall be allowed as determined in the underlying zone as shown in the table below.

<u>Underlying Zone</u>	<u>Minimum units allowed</u>	<u>Maximum units allowed</u>
<u>Residential 5</u>	<u>4</u>	<u>8</u>
<u>Residential 7</u>	<u>4</u>	<u>10</u>

<u>Underlying Zone</u>	<u>Minimum units allowed</u>	<u>Maximum units allowed</u>
<u>Residential 15</u>	<u>4</u>	<u>12</u>

Density bonuses may be granted per subsections B-E below, allowing up to 3 additional units on site. Regardless of implementation of density bonuses, cottage clusters shall be limited to a maximum of twelve (12) units.

B. Permanent Affordable Housing Bonus. Cottage cluster developments which provide permanent affordable housing as defined in SWMC 17.04.030 may receive a density bonus of 3 (3) additional units. If sale price limitation is selected, cottage cluster developments which limit the sale of all units to no more than 40% fair market value are eligible for this density bonus. If occupancy restriction is selected, cottage cluster developments which reserve a minimum of 50% of the units for households with incomes at 80% AMI or below are eligible for this density bonus. At the time of cottage cluster permit application, the applicant shall submit documentation of a legally binding document indicating the selected method to be recorded with the Skagit County Auditor upon city approval.

C. Self-Help Bonus. Cottage cluster developments which use self-help approaches to promote affordable housing are encouraged. If a minimum of 25% of the units within the cottage cluster are to be sold through self-help programs as defined in SWMC 17.04.030, the cottage cluster may receive a density bonus of one (1) additional unit. The applicant shall submit documentation of a partnership agreement with the self-help program of choice at the time of cottage cluster permit application.

D. Public Transit Bonus. Cottage cluster development sites that incorporate a bus-stop on or adjacent to the site, or can apply a ride-sharing system equivalent as defined in SWMC 17.04.030, may receive a density bonus of one (1) additional unit. The location of the bus stop must be approved by Skagit Transit.

E. Clubhouse Bonus. Cottage clusters that provide a private clubhouse on site may receive a density bonus of one (1) additional unit. The clubhouse must be owned and maintained by a homeowners' association and must meet the requirements of the Sedro-Woolley Design Standards and Guidelines manual.

17.120.060 Relationship of design to adjacent areas.

A. The design and layout of a cottage cluster development shall respect the relationship of the site with the surrounding neighborhood. All units within the cottage cluster development shall be designed to resemble typical single-family residences as required in the Sedro-Woolley Design Standards and Guidelines manual so as to respect the architectural design of existing adjacent land uses and to minimize any undesirable impact of the cottage cluster on adjacent properties.

B. No cottage cluster development shall be located within 1,000 feet of another cottage cluster development. The 1,000-foot distance shall be measured in a straight line from the nearest property line of the proposed cottage cluster development to the nearest property line of any existing or approved cottage cluster development. An exception to the 1,000-foot separation requirement may be granted if the following conditions are met:

1. The developments are separated by a natural barrier such as a river or significant topographical feature that would prevent them from being perceived as part of the same cluster.
2. The Director determines that the proposed development will not result in an over-concentration of cottage clusters in the area.

17.120.070 Property development standards.

A. Acreage minimum and maximum. The minimum site size for a cottage cluster shall be one-half of an acre. The maximum site size for a cottage cluster shall be one acre.

B. Minimum lot area requirements. Cottage clusters are exempt from typical minimum lot area requirements of the R-5, R-7 and R-15 zones, provided they comply with the density and development standards herein.

C. Maximum lot coverage. Lot coverage is the percentage of the site covered by structures including all main and accessory buildings. Maximum lot coverage requirements for cottage clusters in the R-5, R-7 and R-15 zones shall be forty (40) percent.

D. Landscaping. The total amount of landscaping for a cottage cluster development shall be a minimum of fifteen (15) percent of the total site area. Cottage cluster developments may include any critical area and/or shoreline buffer areas when calculating landscape area if native vegetation is enhanced.

E. Minimum setbacks. Setbacks for all cottage cluster structures within the R-5, R-7 and R-15 zones shall be as listed below:

1. Front setback or setback to any public street or internal access drive: twenty feet
2. Side setback to property line: five feet
3. Rear setback to property line: ten feet for residences, five for accessory structures
4. Garage Setbacks. Private garages (attached or detached) shall adhere to the setback requirements above. In addition, there shall be a minimum off-street parking apron of twenty-five feet in length directly in front of garage door entrances when accessing a

street or internal access drive 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 in length.

5. Minimum distance between structures (including accessory structures): ten feet

F. Maximum building height. Twenty-five feet except twenty feet for accessory buildings.

G. Off-street parking. For residential units between 205 and up to 800 square feet, a minimum of one parking space shall be provided. For residential units over 800 and up to 1,200 square feet, a minimum of two parking spaces shall be provided. Parking may be provided in a community parking area within the development boundaries, immediately adjacent to the residence, or within private garages. A combination of these methods to satisfy parking requirements is acceptable.

H. Open space. Each cottage cluster shall provide open space according to a 1:6 ratio of common open space to units within the cottage cluster, respectively. Common open space areas shall total a minimum of 6,000 square feet for every 6 units. The dispersal of common open space areas on the site is allowable, but no single area shall be less than 2,000 square feet. Land area encumbered by wetlands, fish and wildlife habitat conservation areas and their respective buffers may count as open space.

I. Of the open space required to be provided, seventy-five percent shall be "usable open space." "Usable open space" includes only open space which is accessible for active or passive recreation purposes, is visually integrated into the design so that it is an intentional aspect of the cottage cluster, or is a direct benefit to the cottage cluster residents. A minimum of fifty percent of the units in a cottage cluster must be oriented around the usable open space area(s). "Usable open space" may not include dwellings, private yards, outdoor storage, streets and any associated rights-of-way, internal access drives, driveways, parking areas, fenced stormwater detention ponds, critical areas and their associated buffers, slopes in excess of fifteen percent, areas with any dimension less than ten feet, and required perimeter buffers that do not include screened trails and pathways (where applicable). At least fifty percent of the "usable open space" shall be for active purposes. Open space for active purposes includes areas which have appropriate topography (generally less than a ten percent slope), soils, drainage, and size to be considered for development as active areas for all residents, owners, or users of the cottage cluster. The remaining open space that is not "usable open space" may include critical areas and utility easements.

1. That portion of multiuse stormwater facilities which provides significant recreational or aesthetic benefit per subsection J of this section may count as usable open space.

2. Only that portion of utility corridors/easements which contain improved walking trails in compliance with federal, state and city regulations may be counted as usable open space. The applicant shall provide documentation that the walking trail meets these criteria.

3. Only open space which satisfies the requirements of the design standards and guidelines of Chapter 15.44 and the current version of the Sedro-Woolley Design Standards and Guidelines manual may be counted as usable open space.

4. That portion of sensitive areas, such as fish and wildlife habitat areas, which are accessible to the residents or public and integrated into the design of the cottage cluster in a manner which results in restoration or enhancement of the functional values of the sensitive area, may be included in the usable open space calculation.

J. Stormwater Detention Facilities. All stormwater detention facilities are subject to Sedro-Woolley stormwater management regulations (Chapter 13.36) and for the purposes of this chapter, are differentiated as dry ponds or wet ponds. A dry pond may be included as part of the required usable open space area of a cottage cluster only if the pond meets the criteria in subsection (J)(1) of this section. A wet pond may be included as part of the required open space (not usable open space) area of a cottage cluster only if the pond meets the criteria in subsection (J)(2) of this section.

1. Dry ponds for the purposes of this chapter are stormwater facilities that incorporate usable recreation area per the following criteria:

a. The detention facility does not provide drainage for public facilities, including public streets, unless all easements and drainage releases are approved;

b. The detention facility shall be constructed so as to drain fully when precipitation is not occurring (i.e., no standing water shall be left) unless the facility is a pond designed as an aesthetic amenity;

c. The side slope of the detention facility shall not exceed thirty-three percent, unless such slopes already exist naturally and are covered with vegetation. Where the facility has a hard surface wall or slope, the vertical drop shall not exceed twenty-four inches without fencing appropriate to the site conditions to protect public safety;

d. If detention facilities are located adjacent to or near a natural, year-round stream or wetland, these systems shall be left in a natural or near-natural condition;

e. The detention area shall be landscaped both in a manner consistent with maintaining high aesthetic standards and is able to withstand the inundation expected;

f. Use of property set aside as open space area for both detention and recreation purposes shall not be acceptable if the detention area is rendered unsuitable or unavailable for recreation use during dry weather; and

g. In the case of joint use of open space set aside (not dedicated to city) for detention and recreation, the homeowner's association shall be responsible for the maintenance in perpetuity of the facilities in the condition approved under the development contract.

2. Wet ponds for the purposes of this chapter contain water year-round and may count towards open space if the wet pond is an amenity to the cottage cluster and meets all of the criteria below. Wet ponds that do not meet the below criteria shall be screened per the screening requirements in Section 17.50.120:

a. Contain circulated water that is not brackish;

b. Be surrounded by a trail or be located adjacent to another active open space;

c. Children's play structures may not be located closer than one hundred fifty feet to a stormwater pond;

d. The pond must be curvilinear in shape, not rectangular;

e. Only thirty percent of the circumference of the pond may contain berming;

f. The inside slope of the pond shall be three to one or flatter;

g. Gravel and asphalt shall not be used for pond access;

h. No fencing shall be provided around the pond; and

i. The applicant shall place appropriate signage near the pond which says, "This pond is for stormwater detention and/or treatment purposes. Swimming or fishing or other recreational activities are prohibited" or similar signage approved by the Planning Director.

17.120.080 Design Review

Cottage clusters shall comply with the design review standards of Chapter 15.44 and the current version of the Sedro-Woolley Design Standards and Guidelines manual for conformance with this and other provisions of the city code.

17.120.090 Approval procedure.

Cottage cluster applications shall be processed as a Type II permit in accordance with the permit procedures established in Chapter 2.90.

In addition, the following procedure is required for approval of the cottage cluster:

A. Documents.

1. Vicinity map showing the location of the site and its relationship to surrounding areas, including the land use and zoning of both the site and the surrounding areas;

2. A map of the site drawn to a scale of not less than one inch representing one hundred feet showing the following:

a. Existing site conditions including watercourses, floodplains and unique natural features;

b. The location and floor area size of all existing and proposed buildings, structures and other improvements including maximum heights, density, and any nonresidential structures;

c. The location and size in acres or square feet of all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, and similar public or semipublic uses;

d. The existing and proposed circulation system of streets and internal access drives, including parking areas, loading areas and major points of access to public rights-of-way;

e. The existing and proposed pedestrian circulation system;

f. The existing and proposed utility systems, including sanitary sewers, storm sewers, water, electric, gas and telephone; and

g. The proposed treatment of the perimeter of the cottage cluster, including materials and techniques used such as screens, fences and walls.

3. In addition to the graphic illustrations listed in subsections (A)(1) and (2) of this section, the applicant shall submit a written statement providing the following information:

a. Program for development including staging or timing of development;

b. Proposed ownership pattern upon completion of the project;

c. Basic content of any restrictive covenants; and

d. Provisions to assure permanence and maintenance of common open space through a homeowners' association or similar association, condominium development or other means acceptable to the city.

B. A cottage cluster application must contain sufficient detail to show compliance with the design standards and guidelines of Chapter 15.44 for the layout, infrastructure, and buildings within the cottage cluster, to allow the reviewing body to incorporate compliance with design standards into its final decision. The applicant is expected to submit this information in a format that meets the standards of an architect or design professional. The integration of a comprehensive, well-planned design into all aspects of the cottage cluster is a required element of the application. The application and approval shall require subsequent construction within the cottage cluster to conform with the approved design elements, at a sufficiently detailed level to ensure subsequent compliance with the approval documents.

C. Filing of Application. Application for approval of the cottage cluster shall be made on forms prescribed by the planning department and which shall be accompanied by a filing fee as required.

D. Administrative Decision. Following review, the director shall make a report of findings and decision with respect to the proposed cottage cluster, and shall give approval, approval with conditions, or disapproval to the proposed cottage cluster. The decision may be appealed as allowed in Chapter 2.90. The director's report of findings and decision shall include, but need not be limited to, the following items:

1. Suitability of the site area for the proposed development;
2. Requirements of the zoning code for the proposed development;
3. Development in accordance with the Sedro-Woolley comprehensive plan;
4. Compliance with the design standards and guidelines.

17.120.100 Approval criteria.

In addition to the findings of fact required for approval, the following criteria shall be met for approval of a cottage cluster:

A. Perimeter Design. The perimeter of a cottage cluster shall be appropriate in design, character and appearance with the existing or intended character of the development adjacent to the subject property and with the physical characteristics of the property.

C. Streets, Internal Access Drives and Sidewalks. Existing and proposed streets, internal access drives and sidewalks within a cottage cluster shall be suitable to carry the anticipated traffic within the proposed development and the vicinity. The design of the circulation system shall be subject to Public Works Department approval.

D. Site Infrastructure. Small-scale utility infrastructure, such as utility boxes, shall be located and/or screened so as not to be visible from the rights-of-way. Larger utility infrastructure, such

as a pump station, shall be placed inside a building that meets design standards and functional needs of the utility.

17.120.110 Requirement for homeowner's association and restrictive covenants.

To preserve and maintain community facilities and open space, every cottage cluster shall have a homeowner's association, or similar association acceptable to the city, and agreements and enforceable covenants to fund and effectively collect funds for such an organization. Such agreements and enforceable covenants shall apply to all property within the cottage cluster, shall be recorded and shall run with the land.

A. The restrictive covenants and/or homeowner's association intended to be used by the applicant in a cottage cluster, which purports to restrict the use of land, the location or character of buildings or other structures thereon, set aside open space, and establish provisions for the perpetual maintenance of common grounds, must be reviewed by city staff. Upon city staff confirming the adequacy of the restrictive covenants and/or homeowner's association documents, such documents shall be recorded with the county auditor before final approval of the cottage cluster application.

B. The homeowner's association authority shall be established in restrictive covenants applicable to all property within the cottage cluster. Such restrictive covenants shall provide, at minimum, for the assessment, collection, and enforcement of collection of such homeowner's dues as are necessary for adequate maintenance of open space, common grounds and facilities, any private roads, internal access drives, or utilities, and for performance of any other association obligations.

C. The homeowner's association documents shall address storage and parking of RVs, trailers, boats, ATVs, etc. Such vehicles shall not be stored on city streets, rights-of-way, driveways or side yards. Screened, community-owned storage areas for such vehicles may be provided.

D. The homeowner's association documents shall include restrictions on parking of vehicles in grassed, landscaped or gravel areas. Parking on private and HOA-owned land shall be constructed of concrete, asphalt or concrete pavers.

E. The homeowner's association documents shall require the maintenance of private fences visible from the public right-of-way.

TABLE OF CONTENTS

[...]

9. Additional Standards for the Urban Village Mixed Use (UVMU) Overlay	57
<i>SITE DESIGN</i>	57
SITE LAYOUT / ORIENTATION TO STREET.....	57
PARKING LOT LANDSCAPING / SCREENING.....	58
PUBLIC OPEN SPACES.....	59
ENVIRONMENTAL ASPECTS	60
BUILDING DESIGN.....	61
PROMINENT ENTRANCE	61
GROUND LEVEL DETAILS.....	64
SCREENING BLANK WALLS	65
BUILDING MATERIALS.....	65
WEATHER PROTECTION.....	66
CONCEALING ROOFTOP EQUIPMENT.....	67
STANDALONE RESIDENTIAL BUILDING DESIGN WITHIN THE UVMU..	67
<u>10. Additional Standards for Cottage Clusters.....</u>	<u>69</u>
<u>11.10-</u>Review of Public Development Projects	<u>7569</u>
<u>12.11-</u>Definitions.....	<u>7670</u>

10. Additional Standards for Cottage Clusters

SITE DESIGN

Intent

To create density and infill housing in residential zones while promoting an affordable option for long term/permanent housing, well-integrated with Sedro-Woolley's existing residential building types and configurations. In addition, the purpose of this section is to promote the development of shared and sustainable communities that encourage maximum efficiency in the layout of streets and internal access drives, stormwater facilities, utility networks, other public improvements, and create and/or preserve usable open space for the enjoyment of the occupants through innovative site layout and the use of clustering.



FRONT YARDS / ENTRANCES

Intent

To provide separation between buildings and the public pedestrian realm where the front yard functions as usable outdoor space and provides a clear, welcoming, and safe entry for pedestrians from the sidewalk into the building.

Standards

Required:

1. Primary building entries shall be clearly identifiable and visible from the street, with well-defined walkways from pedestrian routes to building entries.
2. Landscaping shall screen undesirable elements such as views to adjacent commercial or industrial development, utility boxes, outdoor storage areas, and dumpsters.
3. Where common open space is required, a minimum of 50% of the residences shall be oriented around the common open space with a common vehicle entrance onto the primary street.
4. If primary building entries face the street, a clearly marked and well-maintained walkway shall connect the entry to the sidewalk.
5. At least 50% of the common open space shall be designed to receive a minimum of four hours of sunlight on December 21st.
6. Signage identifying building addresses shall be visible from the street and public pedestrian walkway.

Guidelines

Encouraged:

1. Front yards should include an entrance sequence between the sidewalk and the building including elements such as, trellises, site furnishings, low hedges, landscaped borders, and special paving.
2. All landscape areas should include a wide range of plant materials including perennials and flowering shrubs. A minimum of 40% of the plant material used should provide seasonal color or interest.
3. Accent lighting should be used to highlight special focal points, building/site entrances, public art and special landscape features, open spaces, and walkways.

DESIGN OF RIGHT-OF-WAY IMPROVEMENTS AND DRIVEWAYS

Intent

To enhance pedestrian and non-motorized transportation safety by consolidating driveways while providing for adequate vehicular and service access.

Standards

Required:

1. If internal access can be provided within the development, vehicle access shall be from the internal drive. Internal drives shall be designed to be narrowed to the width of two lanes.
2. Closely spaced adjacent driveways in the same development shall be combined for joint access, unless the City Engineer finds consolidation is impractical or will cause a hazard.
3. Driveways which access onto public streets shall be shared with at least one adjacent property to minimize access points and to increase the amount of on-street parking available.
4. Locations of driveways shall be designed into the master plan and civil construction plans for the cottage cluster. Locations of street trees and driveway curb-cuts shall be identified at the time the civil construction plans are approved. Rolled curbs are not permitted.
5. Minimize obstructions to pedestrian movement and the number of vehicular turning movements.

INDIVIDUAL OUTDOOR SPACES

Intent

To provide private, outdoor space as distinct from common spaces that encourages a sense of ownership for residents.

Standards

Required:

1. Outdoor spaces such as yards, decks, terraces, and patios shall be delineated from common space. Delineation may consist of walls, fences, berms, hedges, and/or landscaping.
2. Outdoor spaces used to meet these standards shall not be located within required landscape buffer areas.
3. Outdoor spaces shall not be located adjacent to dumpster enclosures, loading/service areas, or other incompatible uses.

Guidelines

Encouraged:

1. Walls, hedges, and fences used to define outdoor private spaces should be a minimum of 4 feet high and with 75% visually permeable elements, such as open rails, ironwork, or trellis treatment to encourage interaction between neighbors.
2. Where landscape areas are provided, plant materials should be a mixture of deciduous and evergreen varieties. A minimum 20% of plant varieties shall provide year-round color, texture and/or other special interest.

BUILDING DESIGN

HOUSE SIZE IN RELATION TO LOT SIZE

Intent

To ensure that the smaller-scale development of cottage clusters does not create the feeling of being overbuilt, cramped neighborhoods.

Standards

Required:

1. For cottage clusters, maximum lot coverage of the site with structures shall not exceed 40% in the R-5, R-7, and R-15 zones.

ROOF PITCH (MINIMUM/MAXIMUM)

Intent

To maintain the residential scale and character of neighborhoods.

Standards

Required:

1. Structures shall incorporate pitched roof forms having slopes between 3:12 and 14:12 (not applicable to porches and dormers).

Guidelines

Encouraged:

1. Gables facing the street are encouraged.

WINDOWS

Intent

To maintain lively and active frontage.

Standards

Required:

1. Windows shall be provided in façades facing public streets, internal access drives and common open space, comprising at least 15% of the façade area. Homes that include an attached garage door with windows shall only need to provide glazing in 10% of the façade area.

Guidelines

Encouraged:

1. Windows should have visually prominent trim, at least 3” in width.
2. Other decorative window features are encouraged, such as:
 - a) arched window
 - b) mullions
 - c) awnings
 - d) flower box
3. A variety of window sizes and shapes that contribute to overall composition are also encouraged.

ARTICULATION OF WALLS AND FAÇADE DESIGN

Intent

To provide visual variety for highly visible façades.

Standards

Required:

1. Buildings shall include articulation along the façades facing and visible from public rights-of-way, internal access drives, and common open space. Flat blank walls are prohibited.
2. Horizontal façades longer than 20 feet shall be articulated into smaller units, reminiscent of the residential scale. At least two of the following methods shall be included:
 - a) Distinctive roof forms
 - b) Changes in materials
 - c) Window patterns

d) Color differentiation

e) Recesses / offsets

3. Garage door openings must be at least 8 feet in height.

4. Standard siding material must be used over all structural sheathing. Structural sheathing may not also be the exterior siding.

5. A variety of siding materials shall be used on the façade(s) of the building that faces the street, any internal drives, common open space or other pedestrian way. Siding materials shall respect the architectural design of adjacent existing structures.

6. Eaves of 8" or greater.

Guidelines

Encouraged:

1. Stone or brick on the building façade.

2. Covered front porches or decks.

3. Soffits under eaves.

4. Low-cost siding materials that mimic high-quality appeal are encouraged.

SITE DESIGN & LOCATION OF GARAGES

Intent

To ensure highly visible façades are appealing and development at a smaller scale is well-planned.

Standards

Required:

1. Front setback or setbacks to any public street or internal access drive shall be a minimum of 20 feet. Front porches may be set back 10 feet.

2. Side setback to property line shall be a minimum of 5 feet.

3. Rear setback to property line shall be 10 feet for residences and 5 for accessory structures.

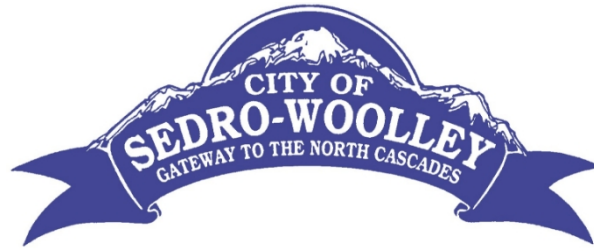
4. Private garages (attached or detached) shall adhere to the setback requirements above. In addition, there shall be a minimum off-street parking apron of 25 feet in length directly in front of garage door entrances when accessing a street or internal access drive either to the front or side of a residence. Where garage doors access an alley, the off-street parking apron shall be at least 10 feet in length.

5. When feasible, garages are to be located in a clustered arrangement at a central location within the development boundaries.

6. Where residences incorporate an attached private garage, the building floor area shall extend at least 3 feet closer than the face of the garage doors.

7. Driveway slopes shall not be greater than 12.5%.

8. For residential units between 205 and up to 800 square feet, a minimum of one parking space shall be provided. For residential units over 800 and up to 1,200 square feet, a minimum of two parking spaces shall be provided. Parking may be provided in a community parking area within development boundaries, immediately adjacent to the residence, or within private garages. A combination of these methods to satisfy parking requirements is acceptable.



Planning Commission Agenda Item

Agenda Item No.: h.1.

Date: September 17, 2024

From: Ashton Sandoval Oaks, Assistant Planner

Subject: Proposed Amendments to Title 17 SWMC to Update Residential Parking Standards

RECOMMENDED ACTION:

Review and discuss the proposed amendments to Title 17 SWMC to update residential parking standards and propose any recommended changes.

ISSUE:

Should the Planning Commission recommend that the City Council approve the proposed amendments to Title 17 SWMC to update the required amount of off-street parking for residential uses?

BACKGROUND/SUMMARY INFORMATION:

At the June 26, 2024 City Council meeting, staff presented Amendments to Title 17 SWMC to Address Work/Live Units for adoption by City Council. At this meeting, councilmembers presented concerns around insufficient amount of off-street parking for residential uses, including Work/Live and multifamily dwelling units. Currently, Title 17 SWMC defines the minimum required off-street parking for residential uses.

As the cost of housing continues to rise, families relocate themselves to smaller, more affordable dwelling units that possess an insufficient amount of off-street parking for the size of the household residing in the dwelling unit. To combat an increase of parking in the public right-of-way, the proposed amendments (included herein as **Attachment 1**) are intended to increase the required amount of off-street parking for residential uses. However, across Washington State and the United States, parking minimums are continually being reduced or outright eliminated for the purpose of allowing more land capacity for affordable housing. To ensure parking does not dominate those areas of Sedro-Woolley that are designed for their small-town character or walkable nature, parking maximums are proposed only for residential uses in the Central Business District (CBD) and Urban Village Mixed-Use (UVMU) Overlay Zone. These proposed amendments to Title 17 will ensure that sufficient parking is provided for all residential uses without detriment to the character of the city or adjacent properties.

FISCAL IMPACT, IF APPROPRIATE:

None anticipated.

ATTACHMENTS:

1. Draft Amendments 1 (9-17-24)

Chapter 17.36

OFF-STREET PARKING AND LOADING

[...]

17.36.030 Number of spaces required.

The number of required off-street parking spaces shall be as follows, computed to the nearest whole number:

- A. Housing reserved for persons sixty years of age and older: one per dwelling unit;
- B. Group homes: one per resident between the ages of sixteen and fifty-nine, inclusive, excluding persons unable to drive due to disability, plus .5 per such younger, older or disabled person; except that bed and breakfasts and similar transient guest facilities shall provide one space per transient unit plus two for the residing family;
- C. All housing other than the above: ~~two per dwelling unit;~~

<u>Dwelling Unit Type</u>	<u>Required resident parking stalls per dwelling unit</u>	<u>Required guest parking stalls</u>
<u>ADUs</u>	<u>1 parking stall</u>	<u>Not required</u>
<u>Duplex (one or fewer bedrooms)</u>	<u>2 parking stalls</u>	<u>Not required</u>
<u>Duplex (two or more bedrooms)</u>	<u>3 parking stalls</u>	<u>Not required</u>
<u>Townhouse (one or fewer bedrooms)</u>	<u>1.75 parking stalls</u>	<u>1 parking stall per 6 resident parking stalls</u>
<u>Townhouse (two or more bedrooms)</u>	<u>2.5 parking stalls</u>	<u>1 parking stall per 6 resident parking stalls</u>
<u>Studio Apartment/Single-Family Home</u>	<u>1.5 parking stalls</u>	<u>1 parking stall per 6 resident parking stalls</u>

<u>1-bedroom Apartment/Single-Family Home</u>	<u>1.75 parking stalls</u>	<u>1 parking stall per 6 resident parking stalls</u>
<u>2-bedroom Apartment/Single-Family Home</u>	<u>2 parking stalls</u>	<u>1 parking stall per 6 resident parking stalls</u>
<u>3-bedroom Apartment/Single-Family Home</u>	<u>2.5 parking stalls</u>	<u>1 parking stall per 6 resident parking stalls</u>
<u>4-bedroom (or more) Apartment/Single-Family Home</u>	<u>3 parking stalls</u>	<u>1 parking stall per 6 resident parking stalls</u>

When residential developments contain multiple dwelling unit types listed above, the required amount of parking shall be individually determined for each residential unit and summed in total. When the required amount of parking stalls for residential units is a fraction of a whole number, the required amount shall be rounded up to the next integer.

D. Offices (excluding health care offices) and banks: One per three hundred square feet gross floor area plus five vehicle storage spaces per drive-through window;

E. Eating and drinking establishments: one per seventy-five square feet of area open to the public, including outdoor service areas, plus additional as specified by the zoning administrator for drive-through capability;

F. Low-intensity sales and service (lumber, building supplies, feed and grain, large appliances, furniture, motor vehicles, boats, machinery, dry-cleaning, sign making, shoe and clothing repair, locksmiths, photography, saw-sharpening, etc.): one per four hundred square feet of gross floor area plus additional as specified by the Zoning Administrator for outdoor sales and activity areas;

G. High intensity sales and service (food, clothing, hardware, household goods, drugs, arts and crafts, auto parts, sporting goods, office equipment, books, plants, jewelry, liquor, musical instruments, barber and beauty shops, laundromats, etc.): one per two hundred fifty square feet of gross floor area open to the public;

H. Churches and funeral homes: one per four occupants at maximum design capacity;

I. Places of public assembly other than the above (auditoriums, stadiums, halls, clubs, theaters, indoor recreation, bus stations, etc.): one per three occupants at maximum design capacity;

J. Hospitals and residential health care facilities: one per three beds;

K. Health care offices and clinics including veterinarians: six per doctor, dentist or other principal personnel;

L. Day care and preschool facilities: one per worker at maximum shift plus adequate loading space.

M. Industry, wholesaling, warehousing, nonpassenger transportation facilities except ministorage: one per 1.5 workers on maximum shift;

N. Open air activities, schools, plant nurseries, public utilities, outdoor recreation, ministorage, drive-through facilities (food, carwash, service stations, etc.) and all other uses not otherwise specified: to be determined by the zoning administrator. (Ord. [1013](#) § 3.01.03, 1985)

[...]

Chapter 17.20

MIXED COMMERCIAL (MC) ZONE

[...]

17.20.060 Parking for residential uses in the MC zone.

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

<u>Dwelling Unit Type</u>	<u>Required resident parking stalls per dwelling unit</u>
Studio	4 1.5 spaces
1 bedroom	2 spaces
2 bedrooms	2 2.5 spaces
3 bedrooms	3 spaces
4 or more bedrooms	4 spaces
Visitor/overflow spaces	1 additional space per 8 units 1 additional parking stall per 6 resident parking stalls

When the required amount of parking stalls for residential units is a fraction of a whole number, the required amount shall be rounded up to the next integer. Parking spaces counted for residential use shall not also be counted towards non-residential parking requirements of SWMC Ch. 17.36 for this zone. (Ord. [1484-04](#) § 7 (part), 2004)

Chapter 17.21

URBAN VILLAGE MIXED-USE (UVMU) OVERLAY

[...]

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)

No changes, included for reference only.

[...]

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)

<u>Dwelling Unit Type</u>	<u>Required resident parking stalls per dwelling unit</u>	<u>Maximum resident parking stalls per dwelling unit</u>	<u>Required guest parking stalls</u>
<u>Townhouse (one or fewer bedrooms)</u>	<u>1.75 parking stalls</u>	<u>3 parking stalls</u>	<u>1 parking stall per 6 resident parking stalls</u>
<u>Townhouse (two or more bedrooms)</u>	<u>2.5 parking stalls</u>	<u>4 parking stalls</u>	<u>1 parking stall per 6 resident parking stalls</u>
<u>Studio Apartment</u>	<u>1.5 parking stalls</u>	<u>2 parking stalls</u>	<u>1 parking stall per 6 resident parking stalls</u>
<u>1-bedroom Apartment</u>	<u>1.75 parking stalls</u>	<u>3 parking stalls</u>	<u>1 parking stall per 6 resident parking stalls</u>
<u>2-bedroom Apartment</u>	<u>2 parking stalls</u>	<u>3.5 parking stalls</u>	<u>1 parking stall per 6 resident parking stalls</u>
<u>3-bedroom Apartment</u>	<u>2.5 parking stalls</u>	<u>4 parking stalls</u>	<u>1 parking stall per 6 resident parking stalls</u>
<u>4-bedroom (or more) Apartment</u>	<u>3 parking stalls</u>	<u>5 parking stalls</u>	<u>1 parking stall per 6 resident parking stalls</u>

When residential developments contain multiple dwelling unit types listed above, the required amount of parking shall be individually determined for each residential unit and summed in total. When the required amount of parking stalls for residential units is a fraction of a whole number, the required amount shall be rounded up to the next integer.

[...]

Chapter 17.22

TRANSITIONAL MIXED COMMERCIAL OVERLAY

[...]

17.22.060 Parking for residential uses in the MC zone.

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

<u>Dwelling Unit Type</u>	<u>Required resident parking stalls per dwelling unit</u>
Studio	4 1.5 spaces
1 bedroom	2 spaces
2 bedrooms	2 2.5 spaces
3 bedrooms	3 spaces
4 or more bedrooms	4 spaces
Visitor/overflow spaces	1 additional space per 8 units 1 additional parking stall per 6 resident parking stalls

When the required amount of parking stalls for residential units is a fraction of a whole number, the required amount shall be rounded up to the next integer. Parking spaces counted for residential use shall not also be counted towards nonresidential parking requirements of Chapter [17.36](#) for this overlay. (Ord. [1664-10](#) § 2 (Exh. F))

Chapter 17.24

CENTRAL BUSINESS DISTRICT (CBD) ZONE

[...]

17.24.050 Parking.

A. Intent. To encourage the creation of a downtown parking district administered by the city. It would be authorized to collect in-lieu parking fees from new residential uses downtown and use that revenue, with any other revenue it generates, to manage a downtown parking district. The district may construct and maintain downtown parking for motor vehicles and bikes, lease parking, or otherwise monitor the provision of adequate parking and/or promotion of alternatives to driving.

B. The goal of the central business district is to create a pedestrian-friendly environment and to encourage commerce. Parking requirements in the downtown shall be as follows:

1. Except for new construction as described in subsection (B)(2) of this section, parking for new buildings in the central business district shall be provided as follows:

Tier 1	New buildings with: • 10 or fewer residential units • 4,000 square feet or fewer of commercial space	Residential units associated with commercial/retail use: no off-street parking required. Commercial uses: standard off-street parking per Chapter 17.36 . Public uses: no off-street parking required.
Tier 2	New buildings with: • 11 or more residential units • More than 4,000 square feet of commercial space	Residential units associated with commercial/retail use: reduced off-street parking. Commercial uses: standard off-street parking per Chapter 17.36 . Public uses: no off-street parking required.

2. Parking for new buildings located within the area bounded on the north and west by the railroad rights-of-way, on the south by the alley in between State and Warner Streets, and on the east by Puget Avenue/4th Avenue shall be provided as follows:

Tier 1	New buildings with: • 10 or fewer residential units • 4,000 square feet or fewer of commercial space	Residential units associated with commercial/retail use: no off-street parking required. Retail and restaurant uses: no off-street parking required. Public uses: no off-street parking required. All uses not described: standard off-street parking per Chapter 17.36
Tier 2	New buildings with: • 11 or more residential units	Residential units associated with commercial/retail use: reduced off-street parking. Retail and restaurant uses: no off-street parking required.

	More than 4,000 square feet of commercial space	Public uses: no off-street parking required. All uses not described: standard off-street parking per Chapter 17.36
--	---	---

3. Reduced residential parking standards referenced in subsections (B)(1) through (2) of this section are as follows:

<u>Dwelling Unit Type</u>	<u>Required resident parking stalls per dwelling unit</u>	<u>Maximum resident parking stalls per dwelling unit</u>	<u>Required guest parking stalls</u>
Studio	1 space	1.5 spaces	1 additional parking stall per 10 resident parking stalls
1 bedroom	1 space	2 spaces	1 additional parking stall per 10 resident parking stalls
2 bedrooms	1.5 spaces	2.5 spaces	1 additional parking stall per 10 resident parking stalls
3 or more bedrooms	1 space per bedroom up to 2 bedrooms, 0.5 space per additional bedroom over 2 bedrooms	3 spaces	1 additional parking stall per 10 resident parking stalls

Rooms indicated on building plans as “office,” “extra room,” “play room” or other rooms that may reasonably be considered for use as a bedroom may be counted as bedrooms for parking purposes by the planning director. [When the required amount of parking stalls for residential units is a fraction of a whole number, the required amount shall be rounded up to the next integer.](#)

4. New commercial or retail development may propose a shared parking arrangement to the planning director for review and approval.

5. Parking for residential buildings that do not include commercial uses, as allowed per Section [17.24.010](#)(A)(3), shall be accessed from the alley when an alley exists. The number of spaces required for residential buildings that do not include commercial uses shall be as follows:

<u>Dwelling Unit Type</u>	<u>Required resident parking stalls per dwelling unit</u>	<u>Maximum resident parking stalls per dwelling unit</u>	<u>Required guest parking stalls</u>

Studio	4 1.5 spaces	2 spaces	1 additional parking stall per 6 resident parking stalls
1 bedroom	2 spaces	3 spaces	1 additional parking stall per 6 resident parking stalls
2 bedrooms	2 2.5 spaces	3.5 spaces	1 additional parking stall per 6 resident parking stalls
3 bedrooms	3 spaces	4 spaces	1 additional parking stall per 6 resident parking stalls
4 or more bedrooms	4 spaces	5 spaces	1 additional parking stall per 6 resident parking stalls

Rooms indicated on building plans as "office," "extra room," "play room" or other rooms that may reasonably be considered for use as a bedroom may be counted as bedrooms for parking purposes by the planning director. When the required amount of parking stalls for residential units is a fraction of a whole number, the required amount shall be rounded up to the next integer.

6. Parking for Work/Live units in the CBD shall be provided as follows:

<u>Dwelling Unit Type</u>	<u>Required resident parking stalls per dwelling unit</u>
<u>1-bedroom Work/Live unit</u>	<u>2.5 parking stalls</u>
<u>2-bedroom Work/Live unit</u>	<u>3 parking stalls</u>
<u>3-bedroom Work/Live unit</u>	<u>4 parking stalls</u>

When the required amount of parking stalls for Work/Live units is a fraction of a whole number, the required amount shall be rounded up to the next integer.

6. There shall be a minimum off-street parking apron of twenty-five feet in length directly in front of all garage doors for residential buildings that do not include commercial uses per Section [17.24.010](#)(A)(3). (Ord. [1979-21](#) § 1 (Exh. A), 2021; Ord. [1664-10](#) § 2 (Exh. B) (part), 2010; Ord. [1451-03](#) § 6)

Chapter 17.28

INDUSTRIAL (I) ZONE

[...]

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>Dwelling Unit Type</u>	<u>Required resident parking stalls</u>
Studio	2 1.5 spaces
1 bedroom	2 spaces
2 bedrooms	2 2.5 spaces
3 bedrooms	3 spaces
4 or more bedrooms	4 spaces
Visitor/overflow spaces	1 additional space per 6 units 1 additional parking stall per 6 residential parking stalls.

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 Section [17.36.030](#).

Parking spaces counted for the residential portion of the work/live unit shall not be counted towards the parking requirements of Chapter [17.36](#) for the business portion. When the required amount of parking stalls for residential units is a fraction of a whole number, the required amount shall be rounded up to the next integer. (Ord. [2046-23](#) § 4, 2024)

Chapter 17.16

RESIDENTIAL 15 (R-15) ZONE

[...]

17.16.050 Parking for residential uses in R-15 zone.

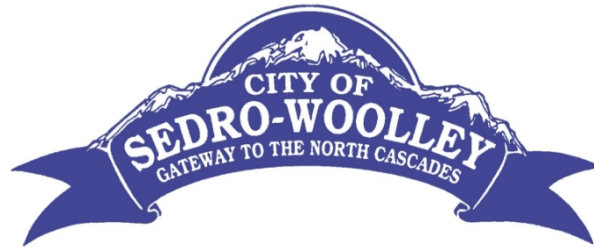
The parking requirements for residential uses in the R-15 zone shall ~~be as follows:~~ comply with the parking requirements outlined in 17.36.030 SWMC.

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)

[...]



Planning Commission Agenda Item

Agenda Item No.: i.1.

Date: September 17, 2024

From: Nicole McGowan, Planner

Subject: September 19, 2024 Housing Forum Invitation

RECOMMENDED ACTION:

Attend the September 19, 2024 Housing Forum; engage with the community on the topic of comprehensive planning and housing.

ISSUE:

Planning staff and our consultant team, Facet, have prepared a presentation for a Housing Forum to be held **Thursday, September 19, 2024 at 6:00 PM at the Sedro-Woolley Community Center** (a flyer for the event is included as **Attachment 1**). It is highly recommended that all Planning Commissioners attend.

BACKGROUND/SUMMARY INFORMATION:

At the forum, attendees will have the opportunity to hear results from our land capacity analysis and housing needs assessment. The event will provide us with an opportunity to educate the community about our planning process, as well as share our early efforts and discussions regarding possible strategies for accommodating and further encouraging the development of affordable housing for all. After the presentation, there will be a Q & A session, opening the floor for community input, questions, and ideas. Planning Commissioners are encouraged to attend to stay up-to-date on housing data and community feedback.

FISCAL IMPACT, IF APPROPRIATE:

None.

ATTACHMENTS:

1. Sept. 19, 2024 Housing Forum Flyer



HOUSING FORUM

JOIN US!

Thursday, September 19, 2024

6:00 PM

City of Sedro-Woolley

Community Center

703 Pacific Street, Sedro-
Woolley, WA 98284

Spanish translation services will be available



1 PRESENTATION

2 HOUSING DATA OVERVIEW

3 Q & A

BUILDING OUR TOOLBOX

Our community is facing a housing crisis, and we need your voice to help build solutions. Attend our upcoming Housing Forum to hear an overview of local housing data and join the Q&A session to share your thoughts. Your feedback is essential as we work together to create strategies that address housing needs for everyone in the community.

FOR MORE INFO:

- ☎ 360-855-0771
- ✉ asandovalooks@sedro-woolley.gov
- 🌐 https://www.sedro-woolley.gov/departments/planning/2025_comprehensive_plan.php

