

**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 10<sup>th</sup>, 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-floor 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 24<sup>th</sup>, 2024, commentary will be requested later on August 14<sup>th</sup>, 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 14<sup>th</sup>, 2024, in order to ensure a response is sent to GMASC no later than August 16<sup>th</sup>, 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 CPPs. 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 CPPs to Planner, Nicole McGowan, in-person at City Hall or via email to [nmcgowan@sedro-woolley.gov](mailto:nmcgowan@sedro-woolley.gov) no later than August 14<sup>th</sup>, 2024.

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



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PLANNING COMMISSION CHAIRMAN

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PLANNING COMMISSION SECRETARY