

PLANNING COMMISSION MEETING

October 17, 2023

6:30 PM

**Sedro-Woolley Municipal Building
Council Chambers
325 Metcalf Street**

- a. Call to Order**
- b. Pledge of Allegiance**
- c. Roll Call**
- d. Consent Agenda**

Note: Items on the Consent Agenda are considered routine in nature and may be adopted by the Council by a single motion, unless any Councilmember wishes an item to be removed. The Council on the Regular Agenda will consider any item so removed after the Consent Agenda.

- 1. Planning Commission Meeting Minutes - September 19, 2023

- 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 finance@sedro-woolley.gov Attn: 'Public Comment.'

- f. Unfinished Business**

- 1. 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

- g. New Business**

- h. Discussion / Information Items**

- 1. Presentation by Jean Eagleston – Proposing to have a plaque made and posted on the residence located at 804 Ferry St., providing a brief history of the property, and making reference to the property's placement on Sedro-Woolley's Historic Preservation Registry.

- i. Adjournment**

Next Meeting(s) City Council Meeting - November 20, 2023

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.



City Council Agenda Item

Agenda Item No.: d.1.

Date: October 17, 2023

From: Nicole McGowan - Assistant City Planner

Subject: Planning Commission Meeting Minutes - September 19, 2023

RECOMMENDED ACTION:

Approve the Planning Commission meeting minutes from September 19, 2023.

ISSUE:

BACKGROUND/SUMMARY INFORMATION:

FISCAL IMPACT, IF APPROPRIATE:

ATTACHMENTS:

1. Meeting Minutes

CITY OF SEDRO-WOOLLEY
PLANNING COMMISSION MEETING
MINUTES
September 19, 2023

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

PLEDGE OF ALLEGIANCE

ROLL CALL:

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

APPROVAL OF CONSENT AGENDA/MINUTES: Minutes from August 15th, 2023, meeting was approved with minor word changes.

GENERAL PUBLIC COMMENTS: Opened at 6:34 pm, there were no participants online. Staff also had not received any emails or mail to be entered into the record. The first public comment in attendance was Philip Murray (101 W. Woodworth St). Mr. Murray had concerns about parklets around the city; particularly with items on the sidewalk, fencing around sidewalk cafes and alcohol consumption near the streets. Public comments closed at 6:36pm.

PUBLIC HEARING:

Amendments:

Chapter 10.44 SWMC: Update sidewalk cafes regulations and add regulations for streateries.

Chapter 17.04 SWMC: Define streateries also known as parklets.

Assistant Planner, Nicole McGowan, spoke of allowing permanent sidewalk cafes in the CBD and how permanent streateries in specific areas of the CBD would be largely beneficial to the city. The proposed amendments will also allow sidewalk cafes permanently in the UVMU overlay under Ch. 10.44 SWMC. Regulations will be added for streateries, and existing sidewalk café regulations will be updated to match. A definition for streatory will also be added to Ch. 17.04 SWMC. At the public hearing on August 15th the Planning Commission requested minor edits to the draft, and requested another public hearing once those changes were incorporated. The following changes were made; permitting of a combination of one sidewalk café and one streatory associated with the same business maybe allowed on a case-by-case basis, a definition was added for easy removal for a streatory, requirements indicating that all plans for sidewalk café and streatory structures covered shall be submitted to Planning and Building departments for approval prior to installation, specified that all business owners are to apply for and obtain a

sidewalk café or streaterly permit for the use of the public right-of-way for private outdoor dining areas. The permit will need to be renewed annually to continue long-term use of the right-of-way. Upon sale of the business with an associated sidewalk café or streaterly, the new business owner shall also be required to obtain a permit to continue the use of the private outdoor dining area.

Public Hearing #1: Opened at 6:39pm. There were no participants online. Staff also had not received any emails or mail to be entered into the record. The first public comment in attendance was Philip Murray (101 W. Woodworth St). Mr. Murray was concerned with the open concept streateries; particularly when they have music playing and the garage door open. He was also concerned with tables and chairs being left outside at night as well as rules and regulations on citizens sitting and using the tables and chairs when not dining at the restaurant. Public comments closed at 6:41pm.

Commissioner, Eric Johnson, spoke briefly stating that he fully supports streateries and the proposal to add streateries to the city's code. Commissioner, Pat Huggins, agrees the amendment was well written and approves of the streateries. He spoke about Mr. Murrays concerns; anyone can be in the public right-of-way, there is a noise ordinance already in place, businesses have the right to use the street even if they are not a restaurant, chairs must be removed or secured each day and tables must be affixed or removed by end of each day. Commissioner, Danielle Freiburger, spoke of the concerns Mr. Murry had and how the city has or will have a code in place for those concerns. Commissioner, Joe Franett, is pleased with the amendments. Commissioner, Paul Cooke, would like to see the combination of streateries and sidewalk cafes on a case-by-case basis; he is pleased with the amendments and supports this new amendment. Chairman, Joe Fattizzi, spoke of Mr. Murray's concerns stating that his concerns are already in the code or in the draft amendments. He mentioned the possibility of having different plans to choose from to expedite the permit process for these businesses. The UVMU received push back due to lack of parking. He expressed his concerns for sidewalk cafes in UVMU due to the many ongoing issues with parking. Commissioner, Pat Huggins, states the city should give sidewalk cafes in the UVMU a chance and see how well this works with the possibility of charging parking in private lots to accommodate the lack of parking. Motion was approved to recommend to city council approve the proposed amendments to SWMC Ch 10.44 and Ch.17.04.

PLANNING COMMISSION DISCUSSION/INFORMATION ITEMS:

1. Unpermitted ADUs within city limits

Assistant Planner, Nicole McGowan, currently does not have an update. She did state code compliance files are made based on if the ADU is a building code violation or a code enforcement issue. A list has been made of permitted ADUs throughout the city. Currently there is not a list of unpermitted ADUs, the Building and Planning department is made aware of unpermitted ADUs when a complaint has been made. Commissioner, Pat Huggins, has been looking into the ADUs around the city due to parking issues.

UNFINISHED BUSINESS: None on the Agenda

NEW BUSINESS:

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

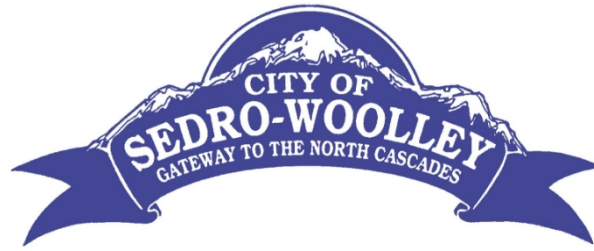
Assistant Planner, Nicole McGowan, spoke of the issues the Planning department is observing with commercial spaces shrinking in the CBD. There is a significant shift away from interest in commercial development with those spaces being overtaken by residential use. Chapter 17.24 SWMC allows multi-family housing above the first floor or at the rear of a commercial building. Currently there are no bounds placed on how much floor area is allowed to be occupied for commercial or retail use. The primary intent for the CBD is commercial or retail use, therefore it would be reasonable to make requirements designating 50 percent at minimum for commercial or retail use for the first-floor area facing primary street frontage. Other items to consider with this proposed change include looking at putting parameters in place for lobby entrances, size and locations, and deciding if private garages should be considered for commercial use.

Commissioner, Paul Cocke, was interested if residential units will have their own parking spaces or if they will share spaces with the commercial units. Assistant Planner, Nicole McGowan, states most of the Central Business District was built at a time when developers were not required to accommodate for parking on site. However, parking for the commercial portion and in some cases for the residential portion is now required to be provided on site, depending on the square footage of commercial space, commercial use type, number of residential units, and number of bedrooms. Commissioner, Eric Johnson, commented stating that garage space is not a good use of commercial space usage. He would like to see clarification on the language made for the 50 percent commercial area facing primary street frontage requirement. Commissioner, Joe Franett, suggests changing the language to "A minimum of 50 percent of the first-floor area must be designated for commercial and or retail space. Commercial or retail space must face the primary street frontage." Assistant Planner, Nicole McGowan, suggests putting possible bounds on requiring garage spaces to be at the back of the building not facing the primary street frontage, with possible language stating private garages are considered residential use and are required at the rear of the building. Commissioner, Pat Huggins, wants to look into having businesses preserve the façade of historic buildings. Assistant Planner, Nicole McGowan, stated that the Design Standards and Guidelines Manual does address preserving historic features of buildings.

ADJOURNMENT: (Time: 8:25p.m.)

PLANNING COMMISSION CHAIRMAN

PLANNING COMMISSION SECRETARY



City Council Agenda Item

Agenda Item No.: f.1.

Date: October 17, 2023

From: Nicole McGowan - Assistant City Planner

Subject: 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

RECOMMENDED ACTION:

ISSUE:

Currently, Chapter 17.24 SWMC allows multifamily housing located above the first floor or at the rear of a commercial and/or retail occupancy in the Central Business District. However, apparently due to an oversight by previous staff, there was never a minimum floor area requirement put in place specifying how much of that space must be designated for commercial and/or retail use. Staff has proposed that a minimum of 50% of the first floor area facing the primary street frontage must be designated for commercial and/or retail use. The proposed amendments also provide regulations for the size and location of the main entrance to the residential units and stipulate that private garages shall not count towards commercial and/or retail space. The proposed Amendments are found herein in **Attachment 1**.

BACKGROUND/SUMMARY INFORMATION:

The lack of a minimum floor area requirement for commercial and/or retail space has resulted in commercial spaces in the Central Business District are shrinking as they begin to become overtaken by residential space. Because the primary intent of the Central Business District is commercial/retail use, staff find it reasonable to place a requirement that 50% of the first floor area facing the primary street frontage must be designated for commercial and/or retail use. This will help to enhance and maintain an active and vibrant pedestrian experience, support local businesses and contribute to the overall economic vitality of Central Business District.

At the September 19, 2023 meeting, the Planning Commission requested that staff make some edits to the draft amendments. The first request was to add the stipulation that private garage spaces do not count towards commercial and/or retail space, as it was found that garage space is not a good use of viable commercial space within the CBD. In addition, it was asked that staff consider putting parameters on the size and location of main entrances to multifamily residential units in the effort to prevent lobby areas from overtaking viable commercial space. These changes have been incorporated into the draft amendment herein (**Attachment 1**).

FISCAL IMPACT, IF APPROPRIATE:

ATTACHMENTS:

1. Attachment 1

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 50% 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. Where feasible, 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. 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)