

**CITY OF SEDRO-WOOLLEY
PLANNING COMMISSION MEETING
MINUTES
July 18, 2023**

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

PLEDGE OF ALLEGIANCE

ROLL CALL:

- Present Commissioners: Joe Fattizzi, Danielle Freiburger, Joe Franett and Paul Cocke was present virtually.
- Absent Commissioners: Eric Johnson, Silas Maddox and Pat Huggins
- Present Staff: Nicole McGowan
- Members of public in attendance: 3

APPROVAL OF CONSENT AGENDA/MINUTES: Minutes from May 16th, 2023, were approved.

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). Philip was asking if the council can reduce minimum lot size requirements or have his friend's property grandfathered into prior minimum lot size requirements. His friend Paul would like to subdivide his property into 2 lots and sell the vacant lot. However, the property is too small for both lots to meet the current minimum lot size of 6,000 square feet. Mr. Murray also wanted to comment on the streateries around the city. He was informed there would not be a public hearing tonight for that item. However, the Planning Commission was going to discuss streateries in tonight's meeting and a public hearing would be in the future. Paul Giroux (616 Haines St.) spoke next and confirmed what Mr. Murray was commenting on. Public comments closed at 6:40 pm.

PUBLIC HEARING: None on the agenda

UNFINISHED BUSINESS:

Assistant Planner, Nicole McGowan, gave a brief overview of proposed amendments for the below chapters.

Amendments:

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

Chapter 17.04 SWMC: Define streateries also known as parklets.

At the May 16th meeting, discussion was held about permanently allowing streateries and sidewalk cafes under specific conditions. Original amendments were discussed at this meeting

with few edits being made to the draft and presented tonight. At the last meeting the Planning Commission requested Nicole to get in touch with police and fire to discuss whether those regulations adequately address public safety. Police and fire departments made some suggestions specific to construction, power, and heating. These suggestions were added to the construction section for both streateries and sidewalk cafes. Also added were no tents or tent like structures for both streateries and sidewalk cafes per Planning Commission request. Fire department requested they have jurisdiction to review and inspect structures for streateries and sidewalk cafes. Added under the section Permits was a requirement that all work performed under an issued permit shall conform to all other city codes, engineering standards, and all other standards used by the city. A condition of approval for permits was added which requires applicants to consent to inspections by any appropriate city department. Updates were made to the intent section for both to allow sidewalk café and streateries not only in the central business district but also in UVMU. Major components of the UVMU are to present an attractive and welcoming appearance to the western entrance of the city. Sidewalk cafés and streateries help attract pedestrian activity to the streetscape. An open discussion about the use of on street parking for streateries will need to take place. There has been public concern about placing streateries over parking spaces due to lack of parking downtown. Possible bounds will be made on the number of parking spaces the streateries are allowed to take up. These bounds will be under section Size over parking spaces. Also, to discuss possibly restricting the number of parklets that can be installed consecutively.

Commissioner, Paul Cocke, briefly addressed that his concerns were adequately addressed with police and fire suggestions and regulation comments. He asked, “Would the Magnolia Grill be grandfathered into the new regulations?” Nicole states “They would need to make changes if they were out of compliance with the new regulations, they would need to obtain a permit and bring their streatery up to code.”

Commissioner, Danielle Freiburger, had a few concerns about expanding to the urban village mixed use overlay due to it being different than downtown. In the UVMU they should be able to adequately provide seating, whereas downtown is limited on size and seating indoors. She would like to suggest limiting the UVMU to sidewalk cafes instead of streateries as well. Chairman, Joe Fattizzi, mentioned his concerns with lack of parking in downtown to accommodate more streateries. Commissioner, Danielle Freiburger, also noted sidewalk café language to possibly include umbrellas over seating. She also suggested when making updates to codes to underline new information, so nothing is missed in the future.

Commissioner, Joe Franett, had comments about construction of sidewalk cafes. He asked if handrails would be adequate for code compliance and inquired about height requirements as well. Sidewalk cafés need to be attached to the building proposed. Code section 10.44.156 D3 states “streateries must be contiguous.” He mentioned this cannot happen because sidewalks need to stay open to the public. Assistant Planner, Nicole McGowan, will remove contiguous to building item in that section. She will also arrange the order of the code sections once the code has been determined.

Chairman, Joe Fattizzi, had several concerns about this agenda topic. His first concern was how much space streateries will be taking up. Parking is tight downtown and taking up sidewalk

space is another concern. He went on talking about the possibility of rental cost being associated to permitting these types of venues. Businesses now competing with same types of businesses needs to be addressed. How much space the city is willing to give up accommodating these venues is another topic for discussion as well as looking at more options such as month to month, season to season, year-round or short-term options. He commented stating this needs more time for discussion in greater detail. Chairman, Joe Fattizzi, had issues with the fact that sidewalk cafes may sit on top of critical infrastructure. He mentioned the critical infrastructure needs to be protected for many reasons, indicating another concern. This is a great idea, but everyone needs to think this through, being conscious of what is going to be done from a permitting standpoint.

Commissioner, Paul Cocke, asked if this will allow businesses to subcontract the space. Chairman, Joe Fattizzi, stated that information was not in the document at this time. Assistant Planner, Nicole McGowan, stated that would be different and would require a mobile vender permit. Commissioner, Danielle Freiberger, asked if this is essentially a long-term Right of Way permit. Nicole stated, "Originally this was envisioned as a long-term permanent structure unless a violation happened, and the owner had to remove the structure." Commissioner, Danielle Freiberger, commented stating language needs to be incorporated stating that a streaterie cannot be sublet to other businesses, something like ADU language. Most businesses have asked about sidewalk cafes, however there are many concerns over streateries. Overall, everyone liked the idea, but more discussion needs to be done before this can be deemed finished.

NEW BUSINESS:

Possible amendments to Chapter 17.16 SWMC to remove statement in intent section restricting R15 zoning designations. Mr. Hayden was present and spoke about when he was the city attorney when the city was facing intense residential growth. He, along with Planner Lacey Larr, were tasked with writing a new Comp Plan and zoning code without any money. The city was not prepared for the level of development. Many conflicts with developers that resisted paying impact fees and building cramp neighborhoods such as the Klinger development. City Council re-wrote the PUD ordinance indicating it did not matter how much extra open space you have; you did not get a bonus density. A restrictive ordinance on multi-family was written in the intent section of the SWMC as well due to the pressure of requests for multi-family homes. This is not a governing ordinance; it does not govern a metric. This code has been violated several times. Mr. Hayden states he would support a recommendation to repeal as well as replace the problem statement. He is proposing the city to look at the Comp Plan from an affordable housing point of view and recommends replacing the statement with something that is real. The purpose of multi-family housing is to provide housing for seniors or people in transition, not a substitute for owner-occupied homes. Mr. Hayden goes on to suggest a phrase such as "Multi-family R15 housing is not intended to replace single-family residences and particularly not intended to replace affordable owner-occupied single-family residences." Chairman, Joe Fattizzi, mentioned the challenge with the State of Washington Growth Management Act mandating the density that the city needs to take over the next 20+ years to accommodate sanitation, roads, and the different elements in a Comp Plan. The city came up with UVMU standards after looking at many different jurisdiction's codes, design guidelines, and many other things. Commissioner, Paul Cocke, made comments stating he likes the idea of looking into the bonus housing program Mr. Hayden mentioned. In addition to the high interest rate mortgages, people in the community were hit hard due to covid with many of them not fully recovered, as well as many young members in

the community unable to afford buying a house. The amount of available housing is further restricted. The idea of a bonus housing program helping low income, families, veterans, and individuals with disabilities would be appealing. Commissioner, Danielle Freiberger, commented that removing the sentence would be the simplest plan or replacing it with what Mr. Hayden stated above. Commissioner, Joe Franett, suggested instead of saying no new areas shall be designated R15, change it to we shall limit certain circumstances. Chairman, Joe Fattizzi, mentioned this is a rezone that is situational but would like clarification moving forward. Chairman, Joe Fattizzi, and commissioner, Danielle Freiberger, both agreed that removing the problem statement would be the easiest way to address the issue for now to allow for the applied rezone to proceed. Planning Commission and staff would consider a replacement statement to be included in the Comp Plan later.

PLANNING COMMISSION DISCUSSION/INFORMATION ITEMS:

1. Assistant Planner, Nicole McGowan, briefly discussed whether the code enforcement officer, Laura Larr, and previous planning director, John Coleman, had a list of unpermitted ADU's. However, the answer was no, there was not a list that was found. Chairman Fattizzi would like this discussed at the next planning commission meeting on 08/15/2023 as this is a work in progress.

ADJOURNMENT: (Time: 7:52 p.m.)



8-15-2023

PLANNING COMMISSION CHAIRMAN

PLANNING COMMISSION SECRETARY