

**SEQUIM PLANNING COMMISSION**

**Transit Center**

**190 West Cedar Street**

**Sequim, WA 98382**

**Tuesday, November 19, 2013**

**6:00 P.M. Regular Meeting**

**I. CALL TO ORDER, PLEDGE OF ALLEGIANCE & ROLL CALL:**

Connelly, Peterson, Protze, Sanford, Sterhan, Thompson and Wendt were present.

Staff present: Chris Hugo, Bobbie Usselman

**II. APPROVAL OF MINUTES:** October 15, 2013

**MOTION** to approve October 15, 2013 minutes by Thompson; second by Peterson.  
**Unanimously approved.**

**III. ITEMS FROM THE PUBLIC NOT ALREADY ON THE AGENDA**

**IV. NEW BUSINESS:**

- A. Report on next phase of Sequim 120 process and public participation activities.

Hugo introduced Charisse Deschenes, the consultant writing the Comp Plan. She outlined the activities that will be held at the first public event on November 23 at 10 and 2. On December 6 from 5-8 pm and December 7 from 12-3 pm at 167 W. Washington where there will be similar activities and they are drop-in events. The Vision Phase Results document provided shows major themes from the first events last year. Around town are signs and there will be other publications and radio interviews announcing the events and talking about the future with Sequim 120.

**VI. PUBLIC MEETING**

- A. Mobile Food Service Vendor zoning text amendment to allow food trucks in Downtown zones (continued from October 15, 2013).

The public meeting opened at 6:10 p.m. Chair Wendt read the rules.

Hugo stated the food truck matter has been reviewed over the last two years. The Planning Commission spent time working on this portion of the code. It was decided the food trucks would be prohibited in the Downtown District and they had to be mobile and move every 3-4 hours.

At an event in the recent past the Merchants Committee invited the food truck to a downtown event in spite of the code. Hugo attended the last Merchants Committee meeting and those in attendance asked that the food truck be allowed downtown at least for the big events.

Hugo has provided two code revision options for consideration:

1. Allow food trucks within the Downtown zones during special community and merchant events provided that the dates are recorded on the City or Chamber events calendars at least 90 days in advance and provided that any truck will not locate Downtown more than 18 days a calendar year; or
2. Allow food trucks within the Downtown zones but only between the hours of 4PM and 12AM with no restriction on the number of continuous hours of operation.

Hugo provided the options to the restaurants in the Downtown District prior to this meeting. He currently withdraws any recommendation based on comments he has heard from the downtown businesses.

Public Comment:

Vance Willis, 392 W. Washington, 101 Diner, feels the code should stay the same. The truck has been parking by the high school and may be a violation of the code.

Diane Drake, 147 W. Washington, Sunshine Café, is not part of the consensus that the food truck should be in the downtown core. She hadn't received correspondence indicating the merchants group wanted them downtown. The City has incorrect information that the restaurant owners want the food truck downtown. The downtown core needs special consideration.

Rob Owens, Heather Creek, 122 W. Washington, has a concern allowing the food truck downtown. He doesn't want a food truck parked in front of his business ever. He knows there are restaurants that stay open into the evening. He would prefer the code stay the way it is.

Paul Boucher, 171 W. Washington, That Takes the Cake, stated he attended the August 21 meeting and doesn't have the same opinions as everyone at that meeting. There were less than half of the regular attendees there. There was not a consensus at that meeting. His opinion is that competition is good; there is a lot to be said welcoming well-run businesses especially on First Friday. He feels we should level the playing field for the food truck and regular businesses, but what about things like grease traps and sewage and waste. A stick-built operation has to follow regulations about those things and pay for permitting. If a food truck is allowed to park on a City street, shouldn't other food service businesses be allowed to sell goods on the sidewalk. Boucher said he isn't sure he likes the language in 18.65.040B.

Hugo wants to be guided in the code by criteria and standards so he can make a call based on reading the code and being aware of precedence, and not just make decisions. The Public Works Director is the steward of the public right-of-way. He explained the permit process for it. The sidewalk activities Boucher suggested Hugo feels should be allowed. We don't say you can have outside sales but there have been some sidewalk sales. He is supportive of such events. We can't violate ADA requirements and there should be 5' of walking space on sidewalks.

Greg Madsen, POB 135, is an advocate of downtown. He is concerned there is reference in the November minutes and he doesn't see the advocacy of this. The most devastating option is option 2 and according to Hugo is due to the ease and convenience. Your ease and convenience is not part of the picture. You are here to work for the merchants and citizens of Sequim. As part of the signage program a small plaque should be made for all councilors and commissioners that says first "do no harm."

Hugo stated the downtown merchants committee asked this be discussed again. Hugo said if all else is equal it is easier to administer as it takes a lot of staff time. The current agenda cover sheet says what the current position is.

Brian Barrick, 820 W. Washington Street, is not a restaurant facility. The competitive landscape is extremely difficult for the brick and mortar places anytime someone comes into the community. He encourages the commission to set great discretion in your decision.

Olivia Schleicher, 941 E. Alder Street, stated on Saturday she went to the restaurants. She said 42 of 44 businesses had no idea about the food truck code changes. She would like to see more effort from the City to get more information from the businesses. Telling them today was a little late and they should have heard them earlier. She doesn't feel the restaurants downtown need more competition if more competition comes by food trucks.

Bryan Carter was notified on Friday about the meeting and told he wouldn't need to be here before 6:30. This portion of the meeting started much earlier than 6:30. There are 36-38 restaurants open after 4:00, only 5 that close before, and 6 that stay open past 9:00. Why some people feel we need the food truck because restaurants are not open is false. He has the names of restaurants that are and are not open. He feels food trucks in town are a disgrace. Behind his business there was a fish and chips truck in direct competition with his business during the Irrigation Festival. He feels roach coaches take all of the profit away while brick and mortar have to pay the fees for their business. It will affect small business owners. He is 100% opposed to the food trucks in Sequim and especially downtown.

Candy Diesen, 537 W. Washington, owns Tootsie's and has been here 21 years. She doesn't see the need for food trucks at all. In the last month 2 restaurants have closed. She didn't know about this meeting until yesterday morning. For anything that is going to affect their business they should be notified. Her restaurant is open later into the evening. She would like the wording to not be ambiguous in the code. She asks that you look for the need for food trucks. She welcomes competition but we are over-saturated. We are the City's bread and butter paying our bills, and they are not. Please notify us about meetings that would impact their business.

Hugo stated she did not get notified because the food truck is allowed in her area of town. The truck is allowed west of 5<sup>th</sup> and East of Brown at any time for no more than 4 hours.

Leslie Menke, 941 E. Alder, said a lot of the businesses are worried about the competition and not being able to receive the same number of guests. She has seen businesses close in the last two months, and some businesses are struggling. She feels we shouldn't have food trucks. Even

though they are allowed in certain boundaries, businesses within a few blocks will still be affected.

Rob Owens commented that this came out of a merchants meeting. He suggests another merchants meeting because he feels this will not be what the majority wants.

Hugo said suggested they convene the Merchants Committee and bring forth comments.

Dianne Drake suggests there be another meeting with notice. We need more public input to see how this will affect the downtown businesses. She struggles to keep the iconic restaurant in downtown afloat in the winter.

Paul Boucher stated although he made a statement earlier about competition, he agrees wholeheartedly with the other speakers that there are limited numbers of dollars to be spent in this community in the food service industry. While looking at the broad spectrum of ordinances for food trucks, every food service is affected by someone buying at another location.

Candy Diesen welcomes competition but over-saturation will bankrupt her. Where she came from in California there was a moratorium so they would not go bankrupt. She doesn't feel that we need food trucks.

Public meeting closed at 7:05 pm.

Protze identifies with businesses that are struggling. The idea of blocking businesses that are in competition with you is not right. As far as the food truck not being downtown he agrees. If you are good at your job you will succeed, but if not a good businessperson you will fail.

Peterson is pro business and believes in capitalism and competition, but there is no comparison for people who purchase a business and building and pay their taxes. We don't have a level playing field with a food truck. He was under the impression this was by public request that we consider this. Let's do what we can to help the merchants, but no one tonight has indicated this is a good idea. He will move that we table this indefinitely until such a thing happens. He doesn't feel this will come back to us but if it does it needs to be an overwhelming support of the merchants.

Sterhan agrees with some of Peterson's comments. It was originally presented as a convenience for the art walk because there are not a lot of restaurants open at that hour, that people want a snack. He admits he hasn't been to the art walk. He would like to see this taken back to the Merchant's Committee to get together and come up with a consensus that it should be done or not.

Thompson is glad people came out to tell us their opinions on this topic. The food truck was at the art walk and we are doing this in response to that. Originally she was against the food truck being in the downtown core. At the art walk she thought the food truck was a good idea in downtown. She felt if the food businesses were closed it would be okay. She is not in favor of option 2, but may be in favor of option 1. She is willing to discuss option 1 more today.

Sanford is waiting for Peterson's motion to vote with him. When we first visited food trucks in general it was clear downtown wasn't the right place for them and she still feels that way.

Wendt feels the code isn't broken and we don't need to fix anything. He agrees with Peterson.

Connelly said we should consider the fact that a mobile food truck may be allowed for an event downtown such as a festival. That may be something at the merchants meeting that is reviewed.

Peterson didn't point out that he feels there is a great opportunity for the restaurant owners to take advantage of a perceived lack of service and opportunity by some merchants and get proactive and think outside the box for your businesses to do something to get customers in the door so they don't need to bring in someone from outside. He challenges the businesses to start thinking.

Hugo said there are some housekeeping features in the proposed code. If there is no change to the downtown consideration of the code, they need to be clear there is "provided a vendor with a contractual agreement with the city is regulated in location and operation by the terms of the contract" is part of the festival's agreement with the City.

**MOTION** to table indefinitely the proposal brought by staff and have staff come back with a specific housekeeping proposal with a definition of food truck boundaries on the north and south by Peterson, second by Sterhan. **Unanimously approved.**

## **V. OLD BUSINESS:**

- A. Follow-up discussion of Joint Meeting with Council (Nov. 4) regarding Urban Growth Areas.

Hugo stated the joint meeting went well. There is an agreement that the City will move forward with activities with the County. In the future all of the cities in the County need to be at the table with the County. The SERP agreement (Service Extension Review Policy) is about how we review water and sewer extensions and approvals in the UGA. There are non-urban lots in the County that do not reflect the City's standards. We need to address that issue. We revisited the UGA boundary and population targets. This meeting was a good start. Hugo was tasked to prepare recommendations on a comprehensive list on what should stay, be removed or added to the UGA along with a cost/benefit analysis.

Connelly felt it was an informative discussion. It was interesting to look at the map and was apparent they would have liked to see more meet on the bones for staff recommendation for the UGA and implications for options that might exist in the future for what the impacts might be.

Hugo stated that was the group's consensus so staff will come up with some criteria and bring it back to the group.

Peterson said the emphasis was on properties expected to be annexed in the next 20 years but with the current inventory in the City it isn't necessary. In later discussions it was pointed out to

him that the only way we can influence the County and what they allow adjacent to our City limits is if it is in the UGA. Hugo said we don't have any say either way. Giving up the UGA doesn't change anything. The County hasn't followed the SERP agreement. The basis for the County reflecting the City's interest is missing. This is not typical in other counties. The court would support the City on this. Peterson wonders why we don't make the argument.

Sterhan found the conversations interesting and enlightening. He needs to learn more about this.

At the beginning Thompson felt we might not need the UGA and need to concentrate on the density in the City. It was helpful to her. She would like to have similar meetings in the future as it would be valuable.

Wendt stated we should be more concerned about the low density in the UGA.

Hugo said there will be a follow-up meeting.

The topic of the new marijuana law was added to the agenda.

Hugo indicated Sequim is assigned one outlet for marijuana sales. There are 3 components: retail outlets, where marijuana can be grown and where it can be processed. The retail outlets proposal is to allow them in zones where you find the old controlled liquor stores or broad zones visible in the community. They should be low visibility and impact to the area. The zones are C-II General Commercial and C-II Community and C-III general commercial, including places like QFC east and west of 5<sup>th</sup> wherever it is not mixed use.

Processing and growing as shown on the matrix handout would allow marijuana to be grown in 5 zones: single-family zone and in mixed-use zone, and in all 3 downtown zones. We need to make zoning modifications for the three components. There was brief discussion concerning zoning.

We have one application for a marijuana license.

Thompson is apprehensive about growing in residential and downtown areas. Peterson would wonder why retail marijuana sales couldn't be where liquor was. We need a special classification for this issue. He believes restrictions by the state will make it limited to be grown and processed.

Wendt feels agriculture belongs outside the City. He favors restricting the retail sales to the C-II and C-III zones and not neighborhood retail.

## **VII. ITEMS FROM COMMISSIONERS / COMMITTEE REPORTS**

## **VIII. DIRECTOR'S REPORT**

**IX. GOOD OF THE ORDER**

The next meeting is January 7, 2014. Chair Wendt asked Usselman to check to see who's terms are expiring and if we need to do elections.

**X. ADJOURNMENT**

**MOTION** to adjourn by Peterson; second by Connelly. **Unanimous.**

Meeting adjourned at 7:59 p.m.

Respectfully submitted,

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Roberta J. Usselman, MMC  
Deputy City Clerk

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Jon Wendt  
Chair

**Next meeting:** January 7, 2014.