



October 20, 2016

To: Washington State E.C.Y., Environmental Review Section
Cowlitz County Health Department
County Extension
William Fashing, Executive Director, Cowlitz Wahkiakum Council of Governments
Dr. Dan Zorn, Superintendent, Longview School District
Deborah Johnson, Captain, Longview Police Department
Terry McLaughlin, Cowlitz County Assessor
Highlands Neighborhood Association
Jennifer Wills, Parks and Recreation Director
Jim Kambeitz, Longview Fire Marshal
Mike Murray, Commercial Building Inspector
Erik Byman, Residential Building Inspector
Lower Columbia School Gardens
The Daily News
Willapa Hills Audubon Society
Lower Columbia Association of Realtors

From: John Brickey, Director of Community Development/Building Official

Subject: SEPA Environmental Checklist Review - Application #E 2016-10

Project: Steve Langdon, Planning Manager, City of Longview, has submitted a SEPA checklist for a proposed zoning code amendment that would allow farmers' markets to locate on park land or park facilities and on private property that is two or more acres in size. In July 2016, the City Council adopted Ordinance No. 3324 that established "Chapter 19.42 Farmers' Markets – Sponsored By Religious Establishments Or Schools." The new chapter allows small farmers' markets to operate 53 days per year on the grounds of a religious establishment or school that are located in residential zoning districts. The City Council directed the Planning Commission to consider adding areas where farmers' markets could locate in residential districts. The non-project action applies city-wide, in Longview, WA.

The applicant has submitted an Environmental Checklist for review under WAC 197-11, the SEPA Rules.

This is a *non-project action and applies city-wide*.

The SEPA Responsible Official has determined that this proposal will not likely have an adverse impact on the environment and has issued a DNS on this application. Please review the attached SEPA documents and provide your written comments to me no later than **6:00 p.m. November 3, 2016**.

If you have any questions or need additional information, please contact Adam Trimble, Planner at (360) 442-5092 or me at (360) 442-5080.

Thank you.

Attachments: Draft ordinance

Cc: Applicant: City of Longview
File



**DETERMINATION OF NON-SIGNIFICANCE
SEPA RULES - WAC 197-11-970**

Description of Proposal: E 2016-10– In July 2016, the City Council adopted Ordinance No. 3324 that established “Chapter 19.42 Farmers’ Markets – Sponsored By Religious Establishments Or Schools.” The new chapter allows small farmers’ markets to operate 53 days per year on the grounds of a religious establishment or school that are located in residential zoning districts. The City Council directed the Planning Commission to consider adding areas where farmers’ markets could locate in residential districts. A proposed amendment would allow farmers’ markets to locate on park land or park facilities and on private property that is two or more acres in size. The non-project action applies city-wide.

Proponents: Steve Langdon, Planning Manager
City of Longview
P.O. Box 129
Longview, WA 98633
Phone: 360-442-5084

Location of Proposal, Including Street Address, if any: The non project action applies city-wide.

Lead Agency: City of Longview, Washington

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after a review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.



The comment period for this DNS ends at 6:00 on November 3, 2016.

Responsible Official: John Brickey
Position/Title: Director/Building Official
Department: Community Development
Address: PO Box 128, Longview, WA 98632
Contact Person: Adam Trimble, Planner
Phone: (360) 442-5092

Date: October 20, 2016

Signature: John H. Brickey

**City of Longview
Community Development**

**SEPA ENVIRONMENTAL CHECKLIST
UPDATED 2014**

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants: [\[help\]](#)

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals: [\[help\]](#)

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the [SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS \(part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. background [\[help\]](#)

E 2016-10

1. Name of proposed project, if applicable: *Proposal to allow Farmers' Markets at parks, park facilities and private property in residential zoning districts (E 2016-10)*
2. Name of applicant: *Longview City Council*
3. Address and phone number of applicant and contact person:
Steve Langdon, Planning Manager
PO Box 128/1525 Broadway Street
Longview, WA 98632
(360) 442-5083
4. Date checklist prepared: *October 12, 2016*
5. Agency requesting checklist: *City of Longview*
6. Proposed timing or schedule (including phasing, if applicable): *Planning Commission public hearing in November 2016, City Council review and approval in December 2016*
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. *No*
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. *None*
9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. *None*
10. List any government approvals or permits that will be needed for your proposal, if known.
Longview City Council adopting an ordinance
11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)
In July 2016, the City Council adopted Ordinance No. 3324 that established "Chapter 19.42 Farmers' Markets – Sponsored By Religious Establishments Or Schools." The new chapter allows small farmers' markets to operate 53 days per year on the grounds of a religious establishment or school that are located in residential zoning districts. The City Council directed the Planning Commission to consider adding areas where farmers' markets could locate in residential districts. A proposed amendment is attached that would allow farmers' markets to locate on park land or park facilities and on private property that is two or more acres in size.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. *The proposal applies citywide in residential zoning districts.*

B. ENVIRONMENTAL ELEMENTS [\[help\]](#)

1. Earth

- a. General description of the site [\[help\]](#)
(circle one): Flat, rolling, hilly, steep slopes, mountainous,
other _____ *Not applicable*
- b. What is the steepest slope on the site (approximate percent slope)?
Not applicable, the proposal is a non-project action
- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. *Not applicable*
- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. *Not applicable*
- e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. *Not applicable*
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. *Not applicable*
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? *Not applicable*
- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: *Not applicable*

2. Air

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. *Not applicable, the proposal is a nonproject action.*
- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. *Not applicable*
- c. Proposed measures to reduce or control emissions or other impacts to air, if any: *Not applicable*

3. Water

a. Surface Water: [\[help\]](#)

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. *Not applicable, the proposal is a nonproject action*
- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. *Not applicable*
- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. *Not applicable*
- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. *Not applicable*
- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. *Not applicable*
- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. *Not applicable*

b. Ground Water:

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. *Not applicable, the proposal is a nonproject action*
- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. *Not applicable*

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. *Not applicable*
- 2) Could waste materials enter ground or surface waters? If so, generally describe. *Not applicable*
- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. *Not applicable*

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any: *None*

4. **Plants** [\[help\]](#)

a. Check the types of vegetation found on the site: *Not applicable, the proposal is a nonproject action*

- ☐ deciduous tree: alder, maple, aspen, other
- ☐ evergreen tree: fir, cedar, pine, other
- ☐ shrubs
- ☐ grass
- ☐ pasture
- ☐ crop or grain
- ☐ Orchards, vineyards or other permanent crops.
- ☐ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- ☐ water plants: water lily, eelgrass, milfoil, other
- ☐ other types of vegetation

b. What kind and amount of vegetation will be removed or altered? *Not applicable*

c. List threatened and endangered species known to be on or near the site. *Not applicable*

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: *Not applicable*

e. List all noxious weeds and invasive species known to be on or near the site. *Not applicable*

5. **Animals**

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. Examples include: *Not applicable*

birds: hawk, heron, eagle, songbirds, other:
mammals: deer, bear, elk, beaver, other:
fish: bass, salmon, trout, herring, shellfish, other _____

- b. List any threatened and endangered species known to be on or near the site. *Not applicable, the proposal is a nonproject action*
- c. Is the site part of a migration route? If so, explain. *Not applicable*
- d. Proposed measures to preserve or enhance wildlife, if any: *None*
- e. List any invasive animal species known to be on or near the site. *Not applicable*

6. Energy and natural resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. *Not applicable, the proposal is a nonproject action*
- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. *Not applicable*
- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: *Not applicable*

7. Environmental health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. *Not applicable, the proposal is a nonproject action*
 - 1) Describe any known or possible contamination at the site from present or past uses. *Not applicable*
 - 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity. *Not applicable*
 - 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. *Not applicable*
 - 4) Describe special emergency services that might be required. *None*
 - 5) Proposed measures to reduce or control environmental health hazards, if any: *Not applicable*

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? *Not applicable, the proposal is a nonproject action*
- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. *Not applicable*
- 3) Proposed measures to reduce or control noise impacts, if any: *Not applicable*

8. Land and shoreline use

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. *Not applicable, the proposal is a nonproject action*
- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? *Not applicable*
 - 1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how: *Not applicable*
- c. Describe any structures on the site. *Not applicable*
- d. Will any structures be demolished? If so, what? *No*
- e. What is the current zoning classification of the site? *The proposal as currently written would apply to residential zoning districts only.*
- f. What is the current comprehensive plan designation of the site? The City's residential districts typically have a comprehensive plan designations of residential or public/quasi-public/Institutional.
- g. If applicable, what is the current shoreline master program designation of the site? *Not applicable*
- h. Has any part of the site been classified as a critical area by the city or county? If so, specify. *Not applicable*
- i. Approximately how many people would reside or work in the completed project? *Not applicable*
- j. Approximately how many people would the completed project displace? *Not applicable*
- k. Proposed measures to avoid or reduce displacement impacts, if any: *None*

- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: *None*
- m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any: *None*

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. *Not applicable, the proposal is a nonproject action*
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. *Not applicable*
- c. Proposed measures to reduce or control housing impacts, if any: *None*

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? *Not applicable, the proposal is a nonproject action*
- b. What views in the immediate vicinity would be altered or obstructed? *None*
- c. Proposed measures to reduce or control aesthetic impacts, if any: *None*

11. Light and glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? *Not applicable, the proposal is a nonproject action*
- b. Could light or glare from the finished project be a safety hazard or interfere with views? *Not applicable*
- c. What existing off-site sources of light or glare may affect your proposal? *Not applicable*
- d. Proposed measures to reduce or control light and glare impacts, if any: *Not applicable*

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity? *Not applicable, the proposal is a nonproject action*
- b. Would the proposed project displace any existing recreational uses? If so, describe. *Not applicable*

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: *Not applicable*

13. Historic and cultural preservation

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe. *Not applicable, the proposal is a nonproject action*
- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. *Not applicable*
- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. *Not applicable*
- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required. *None*

14. Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. *Not applicable, the proposal is a nonproject action*
- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? *Not applicable*
- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? *Not applicable*
- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). *Not applicable*
- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. *Not applicable*
- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates? *Not applicable*

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe. *Not applicable*
- h. Proposed measures to reduce or control transportation impacts, if any: *None*

15. Public services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. *Not applicable, the proposal is a nonproject action*
- b. Proposed measures to reduce or control direct impacts on public services, if any. *None*

16. Utilities

- a. Circle utilities currently available at the site: *Not applicable, the proposal is a nonproject action*
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other _____
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. *Not applicable*

C. Signature [\[HELP\]](#)

I declare under penalty of the perjury laws that the information I have provided on this form/application is true, correct and complete:

Signature: 

Name of signee: *Steven L. Langdon*

Position and Agency/Organization: *Planning Manager, City of Longview*

Date Submitted: *October 12, 2016*

D. supplemental sheet for nonproject actions [\[help\]](#)

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise? *The proposal would allow additional activities (farmers' markets) to take place on developed property (parks, park facilities and private property). The additional activity is not expected to substantially increase discharges and emissions.*

Proposed measures to avoid or reduce such increases are: *None*

2. How would the proposal be likely to affect plants, animals, fish, or marine life? *The proposal is not likely to affect the above. See answer to question one.*

Proposed measures to protect or conserve plants, animals, fish, or marine life are: *None*

3. How would the proposal be likely to deplete energy or natural resources? *The proposal is not likely to deplete energy or natural resources.*

Proposed measures to protect or conserve energy and natural resources are: *The proposal is to allow farmers' markets at parks, park facilities and private property that is two or more acres in size. City parks and park facilities are primarily located in the City's residential districts. The farmers' markets will allow persons to access healthy food in their neighborhood without driving.*

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands? *The proposal is not likely to effect any of the above.*

Proposed measures to protect such resources or to avoid or reduce impacts are: *None*

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans? *The proposal is not expected to have substantial impacts on residential neighborhoods because LMC Chapter 19.42 includes limits on the scope (size) of farmers markets in residential districts.*

Proposed measures to avoid or reduce shoreline and land use impacts are: *The existing Farmers' Market code includes limits on the size of the farmers' markets including the amount of outside square footage, the number of days, operating hours and the amount of signage.*

6. How would the proposal be likely to increase demands on transportation or public services and utilities? *The proposal is not likely to increase demands on the above.*

Proposed measures to reduce or respond to such demand(s) are: *The proposal may decrease transportation demands because healthy foods will be available in residential neighborhoods reducing the need to drive.*

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment. *None known*

DRAFT AMENDMENTS

Chapter 19.42

FARMERS' MARKETS —~~SPONSORED BY RELIGIOUS ESTABLISHMENTS OR SCHOOLS~~ IN RESIDENTIAL DISTRICTS

Sections:

19.42.010 Purpose and application.

19.42.020 Definitions.

19.42.030 Allowed locations in residential districts and permitting process

~~19.42.030~~ 040 ~~Siting criteria~~ Operating standards

19.42.010 Purpose and application.

The purpose of this chapter is to allow small local farmer's markets to be located ~~on places of worship sites or school sites~~ in residential districts at appropriate locations. These local markets would provide greater access for the community to healthy food; enhance the sense of community in livable neighborhoods; encourage walking instead of driving and generate economic benefit to the community. The intention is to serve local households within the neighborhood of the market. Limits on the scale of these markets are needed to avoid significant adverse impacts to individual neighborhoods.

This chapter is applicable to the R-1, R-2, R-3, R-4 and TNR zoning districts.

19.42.020 Definitions.

"Farm products" means fruits, vegetables, mushrooms, herbs, nuts, shell eggs, honey or other bee products, flowers, nursery stock, livestock food products (including meat, milk, cheese, and other dairy products), and fish.

"Farmers' market" means a market at a fixed location, open to the public, operated by a religious establishment at their place of worship or by public or private schools that meet state requirements for elementary, secondary or higher education at the school site. Vendors who regularly participate during the market's hours of operation are producers, or family members of producers. Only farm products and value-added farm products are sold. No alcohol products or marijuana infused products shall be sold.

“Places of worship sites” means a property that includes a special purpose building that is architecturally designed and particularly adapted for the primary use of conducting formal religious services on a regular basis.

“Producer” means a person or entity that raises or produces farm products on land that person or entity farms and owns, rents, or leases.

“School” means an institution of learning for minors, whether public or private, offering regular course of instruction required by the Washington Education Code. This definition includes kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education.

“Value-added farm product” means any product processed by a producer from a farm product, such as baked goods, jams, and jellies.

19.42.030 Allowed locations in residential districts and permitting process

Farmers’ markets are allowed in the locations given below, subject to the following permitting processes:

(1) **Schools and places of worship sites.** The city’s community development director or his/her designee (“director”) shall approve, approve with conditions or deny a farmers’ market permit based on findings that all of the operating standards in LMC 19.41. 040 are satisfied.

(2) **City parks and facilities.** The park & recreation director or his/her designee is responsible for making the decision. In general, farmers’ markets in city parks and facilities should meet the operating standards given in Section 19.41.040. The city is not obligated to allow farmers’ markets in city parks and facilities.

(3) **Private property that is 2 acres or more in size.** Farmers’ markets in these locations are subject to the following:

(a) Approval of a special property use permit per 19.12.050

(b) Conformance to Section 19.41.040 (11)

The Appeal Board of Adjustment is the deciding body for approving the special property use permit for a farmers’ markets. The community development director or his/her designee is responsible for ensuring the farmers’ market operations are consistent with any conditions of the special property use permit and the operating standards given in Section 19.41.040.

19.42.030 040 Operating standards.

~~The city's community development director or designee ("director") shall approve, approve with conditions or deny a farmers' market permit based on findings that all of the criteria are satisfied as given below.~~ Farmers' markets in residential zoning districts are subject to the following operating standards:

- (1) No more than 10 vendors shall be selling at the market at any one time. The outdoor activity area shall be no more than 5,000 square feet in size.
- (2) Activities related to a farmers' market shall not occur on the property more than fifty-three days each property tax assessment year. Activities related to a farmers market (including set-up and tear-down times) shall not occur between the hours of 8:00 p.m. and 9:00 a.m.
- (3) Where available, parking for vendors and customers should be off-street.
- (4) The use provides adequate vision clearance and shall not obstruct pedestrian access on public streets;
- (5) Ingress and egress are safe and adequate when combined with the other uses of the property;
- (6) The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare or lights that affect an adjoining use in a manner in which other uses allowed outright in the district do not affect the adjoining use;
- (7) The use shall not take place on public right-of-way;
- (8) The use must conform to setbacks of the zone where it is located unless otherwise approved by the Director;
- (9) No use shall utilize any handicap parking stalls; and
- (10) Only one on-site temporary nonilluminated sign (e.g., sandwich board or A-frame sign) is allowed per street frontage. The temporary sign(s) size shall have no more than two faces with each face no larger than 12 square feet in size. The sign(s) must be completely removed from street and neighboring properties' view during off-hours and out-of-season times. No off-site signs are allowed and the temporary sign(s) shall not be placed on street rights-of-way. In addition, banners, advertising flags, streamers or clusters of pennants, balloons and other temporary signage placed outside are prohibited.
- (11) Each year, before the market begins, a site plan (application) shall be submitted to the Community Development Department along with a review fee as provided in LMC Chapter 19.06. The site plan shall demonstrate how the above operating standards will be met.