

ORDINANCE NO. 3324

AN ORDINANCE, ADOPTING A NEW CHAPTER 19.42 OF THE LONGVIEW MUNICIPAL CODE REGARDING FARMERS' MARKETS, AND DECLARING A PUBLIC EMERGENCY.

WHEREAS, at their March 2016 meeting, the Planning Commission agreed to initiate a process to examine allowing small farmer's markets to locate on church or school grounds; and

WHEREAS, at their April regular meeting, the Planning Commission considered a staff-prepared discussion draft of possible code amendments to address the issue; and

WHEREAS, the Planning Commission considered the draft, made some changes and then unanimously voted to hold a public hearing on the draft; and

WHEREAS, at their May 2016 regular meeting, the Planning Commission held the public hearing. Several persons spoke in favor of the proposal, none spoke against it; and

WHEREAS, following the public hearing the Planning Commission unanimously recommended the adoption by the City Council of the proposed addition and amendments as set forth in this Ordinance; and

WHEREAS, at its May 26, 2016 meeting, the Longview City Council voted to send the program back to the Planning Commission for further review and to consider broadening the language to include more than schools and churches. Upon a vote duly held, the motion carried unanimously; and

WHEREAS, at its June 16, 2016 workshop, the City Council voted to return the draft of the Planning Commission's recommendation to the City Council for further consideration; and

WHEREAS, the purpose of the proposed zoning code amendments is to allow small local farmers' markets to be located on places of worship sites or school sites. 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; and

WHEREAS, 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. The new zoning code chapter would be applicable to the City's residential districts; and

WHEREAS, the City Council finds that the need in light of the timing of the consideration of this ordinance, and the importance of providing the citizens of Longview with the means of purchasing fresh produce, it is necessary to declare an emergency so that this ordinance can take immediate effect.

NOW THEREFORE, The City Council of the City of Longview do ordain as follows:

Section 1. That a new Chapter 19.42 shall be added to the Longview Municipal Code, and is hereby to read as follows; provided manifest and numbering errors shall be corrected prior to publication:

Chapter 19.42

FARMERS MARKETS – SPONSORED BY RELIGIOUS ESTABLISHMENTS OR SCHOOLS

Sections:

19.42.010 Purpose and application.

19.42.020 Definitions.

19.42.030 Siting criteria

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. 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.

19.41.030 Operating standards.

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 criteria are satisfied as follows:

- (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.

Section 2. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance and the same shall remain in full

force and effect. The City of Longview hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 3. That nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 4. That the City of Longview City Clerk is hereby ordered and directed to cause this Ordinance to be published.

Section 5. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 6. The City Council finds that this Ordinance is necessary for the immediate preservation of public health, safety and peace therefore shall be a public emergency ordinance in full force and effect upon adoption.

Passed by the City Council this ____ day of _____, 2016.

Approved by the Mayor this ____ day of _____, 2016.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Published: _____