

ORDINANCE NO. 3338

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**AN ORDINANCE, AMENDING CHAPTER 19.42 OF THE LONGVIEW MUNICIPAL CODE REGARDING FARMERS' MARKETS.**

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WHEREAS, at the March 2016 meeting, the Planning Commission agreed to initiate a process to examine allowing small farmers' markets to locate on church or school grounds. This was at the request of representatives from the St. Stephen's Episcopal Church. The Planning Commission developed a draft code, held a public hearing, and then forwarded the draft to the City Council with a recommendation of approval. On June 30, 2016, the City Council adopted Ordinance No. 3324. This ordinance adopted the above named zoning code chapter. However, during the Council's approval process, the City Council directed the Planning Commission to examine expanding the areas where farmers' markets could locate. The Council specifically mentioned private property and parks as possible locations for farmers' markets; and

WHEREAS, at their September 2016 regular meeting, the Planning Commission considered some proposed amendments to Longview Municipal Code Chapter 19.42 that were developed by City staff. These proposed amendments would allow farmers' markets to locate in City parks and to locate on private land that is two or more acres in size upon receiving a special property use permit; and

WHEREAS, the purpose of the proposed zoning code amendments is to allow small local farmers' markets to be located in more locations than just 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. Limits on the scale of these markets are needed to avoid significant adverse impacts to individual neighborhoods. The amendments to the zoning code chapter would be applicable to the City's residential districts; and

WHEREAS, an Environmental Checklist for the proposed zoning code revisions was reviewed pursuant to the State Environmental Policy Act and a determination of non-significance was issued on October 20, 2016. [E 2016-10 SEPA checklist] The comment period for the SEPA checklist ended on November 3, 2016; 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 January 12, 2017 regular meeting, the City Council voted to have the City Attorney prepare an ordinance based on the recommendation from the Planning Commission.

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

**Section 1.** That Chapter 19.42 of the Longview Municipal Code, and is hereby amended 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~~ 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~~ operated by the property owner or the full-time lessee of the property or, in the case of schools and parks, by a market operator selected by that property owner. 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 19.42.040 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 LMC 19.42.040. 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 LMC 19.12.050

(b) Conformance to LMC 19.42.040.

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 LMC 19.42.040.

## **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.

**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.** This Ordinance shall be in full force and effect from and after thirty (30) days from the date of its passage and publication as provided by law.

Passed by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2017.

Approved by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2017.

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MAYOR

ATTEST:

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City Clerk

APPROVED AS TO FORM:

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City Attorney

Published: \_\_\_\_\_