

CLEARANCES	Initial	Date	Date Received in Council Office:	Agenda date	Assigned to:
Originator: Michael Knapp			RECEIVED MAY 20 1997 WHATCOM COUNTY COUNCIL	5/20/97	Council
Division Head: Sylvia Goodwin	SG	5/13/97			
Dept. Head: Michael Knapp	MK	5/13/97			
Prosecutor:	KNF	5/20/97			
Purchasing/Budget:					
Executive:					

SUBJECT: An Emergency Ordinance to establish zoning control for public markets as a temporary use in the Resort Commercial zone.

ATTACHMENTS: Proposed Ordinance.

SUMMARY STATEMENT: *Please complete sections of box as appropriate & explain the item below.*

Related County contract #: n/a	Should Clerk schedule a hearing? NO /X/ YES / / Requested date:
Amount budgeted for this item/project: \$ n/a	Is it (or will it be) within budget? YES /X/ / NO / / (Please explain below) n/a
Budget line item number(s): n/a	

The request is to establish emergency zoning for temporary public markets in the Resort Commercial zone for a period of sixty days.

ORIGINATOR'S RECOMMENDED ACTION: The Director Planning and Development Services recommends Council accept this recommendation and approve the requested emergency zoning control ordinance.

COMMITTEE ACTION TAKEN:

COUNCIL ACTION TAKEN:

1997 - 186 5/20/97: Adopted 7 - 0. Ord. #97-026

SPONSORED BY: Consent

PROPOSED BY: planning

INTRODUCTION DATE: 5/20/97

ORDINANCE NO. 97-026

AN EMERGENCY ZONING CONTROL TO ADDRESS PUBLIC MARKETS AS A TEMPORARY USE IN THE RESORT COMMERCIAL ZONE

WHEREAS, citizens have requested that the Whatcom County Council consider the enactment of a change in current zoning controls in order to allow public markets in the Birch Bay area during the summer months; and

WHEREAS, the success of the Bellingham Farmers Market has shown that such markets can have a positive effect on the lives and prosperity of the citizens, farmers and merchants of Whatcom County; and

WHEREAS, the resort character of Birch Bay and other areas zoned Resort Commercial would be an appropriate place to encourage the establishment of public markets; and

WHEREAS, the Council finds that the normal processes and time involved in changing a zoning control preclude any public market from being established in 1997; and

WHEREAS, the Council adopted Ordinance 95-028 on June 20, 1995 and Ordinance 96-002 on January 5, 1996, which established a temporary Interim Zoning Control that would allow such a public market to take place in 1995 and 1996 while the process for a possible permanent change in controls moves through the Planning Commission; and

WHEREAS, the Deputy SEPA Official issued a Determination of Nonsignificance for permanent language allowing public markets in the Resort Commercial Zone on July 7, 1995; and

WHEREAS, Planning Staff and Planning Commission have still been unable to devote time to address this issue due to the amount of work required by Growth Management; and

WHEREAS, the County Council adopts the following findings in support of the change:

FINDINGS

- 1) Resort Commercial zone districts are restricted primarily to the Birch Bay and Glacier

1 areas of the county and are appropriate districts for allowing this expanded
2 commercial activity.

- 3
4 2) The existing regulations preclude outdoor merchandising in the Birch Bay area.
5
6 3) There has been a history, and proliferation, of uncontrolled outdoor merchandising in
7 the Birch Bay area that has been difficult to regulate and has put legitimate
8 merchants at a disadvantage.
9
10 4) A property owner has indicated a willingness to establish a public market and the
11 Birch Bay Chamber of Commerce has endorsed the concept as a way to reduce
12 illegal outdoor merchandising.
13
14 5) Allowance of an organized public market will provide a forum that may reduce the
15 incidence of illegal outdoor merchandising.
16
17 6) The citizens of the County will reap economic benefits from the creation of a public
18 market.
19
20 7) Two six-month implementations of this interim zoning change have not proven to be
21 detrimental to the community.
22
23

24 **NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that Chapter
25 20.64 of the Whatcom County Code is hereby amended as shown in Attachment "A",
26 through the establishment of an Emergency Zoning Control for an additional period of sixty
27 (60) days from the date of adoption of this ordinance.
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29

30 **BE IT FURTHER ORDAINED**, that if any portion of this ordinance is found to be
31 unlawful, all other portions shall remain in effect; and
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33

34 **BE IT FINALLY ORDAINED**, that the above cited amendments are also forwarded to
35 the Planning Commission and Planning and Development Services Department for
36 consideration and recommendation as permanent changes to the Whatcom County Code.
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39 ADOPTED this 20 day of May, 1997.
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44 ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

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Marina Mason

for Dana Brown-Davis, Council Clerk

APPROVED as to form ~~content~~:

Karen Frakes

Karen Frakes, Civil Deputy Prosecutor

~~Alvin Starckenburg~~

Alvin Starckenburg, Vice Chair, for

L. Ward Nelson, Chairperson

Approved () Denied

Pete Kremen

Pete Kremen, Executive

Date: 5-22-97

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ATTACHMENT A

Add the following new language:

20.64.050 Permitted Uses

066 Public Markets, subject to the following, only:

- (1) The applicant submits a plan which includes name, address, and phone number of the contact person; hours of operation; site layout indicating location of vendor stalls and plans for the stalls including provision for temporary tie-downs, trash disposal, and rest room facilities.
- (2) The use is seasonal, restricted to a maximum of 150 consecutive days per calendar year.
- (3) Permanent or portable rest room facilities are made available.
- (4) Provision is made for one parking space per 100 square feet of merchandise display area, sized in accordance with WCC 20.80.500.
- (5) Perimeter stalls are oriented away from adjacent properties, with any outdoor equipment, trash receptacle or portable toilets screened from adjacent uses as per WCC 20.80.355.
- (6) Hours are limited to 9 A.M. to 9 P.M.
- (7) Accessible parking and rest room requirements of WAC 51.30 are complied with.
- (8) Buffering or screening is provided from residences when a parcel adjoins an Urban Residential, Urban Residential Medium Density, Rural or Rural Residential district.
- (9) Signage is consistent with 20.80.440, except that, in addition, one placard not to exceed 2 feet by 2 feet shall be allowed for each individual stall.
- (10) The use complies with the performance standards of WCC 20.64.700.
- (11) No overnight parking of any vehicles is allowed on site.
- (12) Rest rooms are adequately set back and buffered from adjacent properties.

20.64.700 Performance Standards

705 There shall be no storage outdoors.

20.97 Definitions

324 PUBLIC MARKET is defined as a temporary use which allows no new construction but does allow use of existing permanent structures or temporary vendor stalls for retail sales and services designed to accommodate multiple vendors with primarily seller-produced good including produce and prepared foods.