

APPEARANCES	Initial	Date	Date Received in Council Office:	Agenda date	Assigned to:
Originator: Michael Knapp	NK	6/23/97	RECEIVED JUN 25 1997 WHATCOM COUNTY COUNCIL	7/1/97	Introduction
Division Head: Sylvia Goodwin	SG	6/23/97		7/15/97	P & D / Council
Dept. Head: Michael Knapp	NK	6/23/97			
Prosecutor:	KRF	6/23/97			
Purchasing/Budget:					
Executive:	PK	6-24-97			

SUBJECT: Zoning text amendment to allow public markets as a temporary use in the resort commercial zone.

ATTACHMENTS: Proposed Ordinance, Draft June 12, 1997 Planning Commission minutes.

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 adopt an ordinance to allow public markets as a temporary use in the resort commercial zone. An emergency ordinance was adopted on May 20, 1997 for a period of 60 days. The proposed ordinance would replace the emergency ordinance on a permanent basis.

The Planning Commission held a public hearing on June 12, 1997 and passed a motion by a four to three vote in support of the proposed ordinance. The only issue of disagreement was whether overnight parking should be allowed on the market sites. A Planning Commission recommendation to the County Council on an official control (zoning text amendment) requires an affirmative vote of not less than a majority of the total members (five votes). This item will be reconsidered at the June 26 meeting. To insure that a permanent ordinance is adopted prior to the expiration of the emergency ordinance, the ordinance is being introduced prior to final action by the Planning Commission. If Planning Commission consensus cannot be reached, the County Council must conduct a separate hearing on this issue.

ORIGINATOR'S RECOMMENDED ACTION: The Director Planning and Development Services recommends Council introduce the attached ordinance at the July 1 meeting and adopt it at the July 15 County Council meeting.

COMMITTEE ACTION TAKEN:

COUNCIL ACTION TAKEN:

1997 - 186 A 7/1/97: Introduced
 7/15/97: Amended & Adopted, 6-0, Nelson absent. Ord. #97-035

inance or Resolution Number (this item only):

Ord. #97-035

SPONSORED BY: Consent

PROPOSED BY: Planning

INTRODUCTION DATE: 7/1/97

ORDINANCE NO. 97-035

A ZONING TEXT AMENDMENT TO ALLOW 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 adopted Ordinance 95-028 on June 20, 1995, Ordinance 96-002 on January 5, 1996, and Ordinance 97- 026 on May 20, 1997, which established a temporary Interim Zoning Control that would allow such a public market to take place 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, the Planning Commission held a public hearing on June 12, 1997 and recommended approval of the proposed zoning text; 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 areas of the county and are appropriate districts for allowing this expanded commercial activity.

- 2) The existing regulations do not allow outdoor merchandising in the Birch Bay area.
- 3) There has been a history, and proliferation, of uncontrolled outdoor merchandising in the Birch Bay area.
- 4) A property owner has indicated interest in establishing a public market and the Birch Bay Chamber of Commerce has endorsed the concept as a way to reduce illegal outdoor merchandising.
- 5) Allowance of an organized public market will provide standards to address off-site impacts.
- 6) The citizens of the County will reap economic benefits from the creation of a public market.
- 7) Two six-month implementations of this interim zoning change have not proven to be detrimental to the community.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that Chapter 20.64 of the Whatcom County Code is hereby amended as shown in Attachment "A".

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

ADOPTED this 15 day of July, 1997.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON



Dana Brown-Davis, Council Clerk



L. Ward Nelson, Chairperson

APPROVED as to form & content:

Approved Denied



Karen Frakes, Civil Deputy Prosecutor



Pete Kremen, Executive

Date: 7-22-97

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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 camping or vehicle parking 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.

.706 Applicable Health Department permits must be secured before permit is issued.

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 goods including produce and prepared foods.