



Staff Report & Decision

Type II Land Use Application – My Farmers Market

(File # 2015-004 TUP- Temporary Use Permit)

May 1, 2015

- PROPOSAL:** The applicant proposes to operate an outdoor farmers market at the La Center Grange #48 on Fridays from 3:00 PM to 9:00 PM from May 1, 2015 through October 30, 2015 – a total of 27 event days. The site is within the Residential Professional (RP) zoning district.
- LOCATION:** La Center Grange #48, 328 W. 5th St., La Center, WA 98629; La Center Lots 6 & 7, Block 26; Assessor's # 63700000; Nearest cross street – NW Pacific Highway and W. 5th Street.
- DECISION:** **APPROVED**, subject to the conditions listed herein.

I. CONTACTS

OWNER/APPLICANT(S)

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LA CENTER STAFF

Eric Eisemann, Consulting Planner
c/o City of La Center Public Works Department
305 W. Pacific Highway
La Center, WA 98629

II. OVERVIEW

The applicant proposes to operate an outdoor Farmers Market hosting approximately 20 vendors at the La Center Grange #48 on Fridays from 3:00 PM to 9:00 PM from May 1, 2015 through October 30, 2015

III. REVIEW

CRITERIA: LCMC 3.35 (Impact Fees)

This chapter provides for the assessment of traffic impact fees (TIFs).

Finding(s): The proposed market is a temporary use; therefore, the City will not assess TIFs.

CRITERIA: Title 12 LCMC (Street, Sidewalks and Public Ways)

Chapter 12.10 LCMC regulates the provision of public roads, private roads, and driveways.

Finding(s): The proposal is a temporary use and does not warrant construction of frontage improvements.

CRITERIA: Title 13 LCMC (Sewer System Rules and Regulations)

This title regulates the city's wastewater utility.

Finding(s): The proposal is a temporary use. No new wastewater connections are proposed or warranted. ADA accessible bathrooms are available in the La Center Grange.

CRITERIA: LCMC 15.05 (Building Code & Specialty Codes)

The Building & Specialty Codes establishes the minimum construction standards for development. The Fire Code establishes the minimum life safety and fire protection standards for developments.

Finding(s): The proposal is a temporary use. No building improvements are proposed.

CRITERIA: LCMC 15.35 (School Impact Fees)

This chapter provides for the assessment of impact fees.

Finding(s): The proposal is a temporary use and no new dwelling units are proposed; therefore, the proposed farmer's market is not subject to school impact fees.

CRITERIA: LCMC 18.145 (Residential Professional [RP] zone)

Regulates uses within the RP zoning districts. Commercial uses in the RP district are allowed consistent with LCMC 128.150, Commercial Districts.

Finding(s): Temporary uses are allowed in the RP zone, LCMC Table 18.150.020.19.b.

CRITERIA: LCMC 18.265 (Temporary Use Permit)

This chapter regulates temporary uses; a proposal shall satisfy the approval requirements in LCMC 18.265.040, Approval Criteria.

Finding(s): The applicable approval criteria are:

- (a) The use is of a temporary nature, limited to a structure which can be readily dismantled and removed from the site within 48 hours of cessation of the use or activity, or converted to a permitted use in the zoning district;*
 - (b) The use will cease and/or the structure will be removed or converted to a permitted use within one year; and*
 - (c) Establishment and operation of the temporary use will not be materially detrimental to the public health, safety, convenience, and general welfare.*
- (2) The review authority may impose conditions of approval deemed necessary to ensure the proposed temporary use complies with the foregoing approval criteria. [Ord. 2006-17 § 1, 2006.]*

The applicant proposes to operate My Farmers Market at the La Center Grange #48 on Fridays from 3:00 PM to 9:00 PM from May 1, 2015 through October 30, 2015 – a total of 27 event days. The period of operation is less than one year. The market would host approximately 20 vendors selling home-made, home-grown and home-based produce and foods. At the close of each Friday sales event, the operator shall immediately remove all market facilities and signs.

ADA accessible bathrooms are available in the La Center Grange. Parking is limited to public right-of-ways and at La Center Public Works Building parking lot, 305 NW. Pacific Highway. It is anticipated that the temporary use will not generate a significant number of new vehicle trips during peak PM hours.

Therefore, the City does not anticipate that My Farmers Market, if operated as described herein will be materially detrimental to the public health, safety, convenience, and general welfare.

CRITERIA: LCMC 18.275 (Sign Requirements)

This chapter regulates signage within the city limits.

Finding(s): The applicant shall apply for a separate sign permit prior to placing signs in or along the public –right-of-way.

CRITERIA: LCMC 18.280 (Off Street Parking)

This chapter requires the provision of adequate off-street parking.

Finding(s): The use is temporary. Parking is allowed within public right-of-ways and on the city-owned parking lot at the Public Works building, 305 NW Pacific Highway – approximately three blocks southeast of the La Center Grange.

CRITERIA: LCMC 18.300 (Critical Areas)

This chapter requires protection of critical areas by providing appropriate delineations and buffering.

Finding(s): The proposal will not impact any identified critical areas.

CRITERIA: LCMC 18.310 (Environmental Policy)

This chapter requires submittal of a SEPA environmental checklist and provides authority for issuance of Mitigated Determination of Non-Significance, if appropriate.

Finding(s): The application is exempt from SEPA review. LCMC 18.310.080.

CRITERIA: LCMC 18.320 (Stormwater and Erosion Control)

Requires the collection and treatment of stormwater and erosion control measures during construction.

Finding(s): The applicant does not propose the addition of any impervious surface or any ground-disturbing activities. Therefore, stormwater management requirements and erosion control requirements are not triggered.

CRITERIA: LCMC 18.350 (Tree Protection)

Regulates removal of trees.

Finding(s): Tree removal is not proposed or approved.

IV. CONCLUSIONS & DECISION

The review authority finds the applicant has sustained the burden of proving the application complies with the applicable provisions of La Center's Municipal Code. Therefore, the subject application is hereby APPROVED subject to the following conditions:

1. My Farmers Market shall limit its hours of operation to Fridays from 3:00 PM to 9:00 PM from May 1, 2015 through October 30, 2015 – a total of 27 event days.
2. My Farmers Market shall limit its location to the La Center Grange # 48, 328 W. 5th St., La Center, WA; La Center Lots 6 & 7, Block 26; Assessor's # 63700000.
3. Parking is allowed on public streets at and the La Center Public Works parking lot, 305 NW Pacific Highway during the market's hours of operation.
4. My Farmers Market shall not set up the market stalls and advertising prior to 10:00 AM on permitted days of operation and shall immediately remove all market facilities and signs at the close of permitted hours of operation.
5. My Farmers Market shall apply for a La Center sign permit and shall limit signage to the number, type, location, and duration authorized by the sign permit.
6. My Farmers Market shall operate and maintain the DA accessible bathrooms at the LA Center Grange during all hours of operation.
7. Prior to operation, My Farmers Market shall provide the Public Works Department with proof of insurance naming the City of La Center as an insured party.

V. APPEALS

Pursuant to §18.030.130 LCMC, a final decision regarding a Type II application may be appealed only by the applicant or applicant's representative. An appeal together with the requisite fee and information must be received by the city clerk within 14 calendar days of the date of the decision being appealed. Within seven calendar days after a timely, complete appeal is filed regarding a decision subject to a Type II process, the city clerk shall send to the hearings examiner a copy of the appeal and the case file together with any new evidence submitted with the appeal. The hearings examiner shall conduct a de novo review. Within 21 calendar days after a timely, complete appeal is filed, the hearings officer shall send to the city clerk a final decision for distribution to the applicant and applicant's representative.



(Naomi Hansen for)
Eric Eisemann
Consulting City Planner
City of La Center



Jeffrey B. Sarvis
Public Works Director
City of La Center

Attachment

Location map