

<p>Subject: MULTI-DEPARTMENTAL ADMINISTRATIVE RULES</p> <p>Rules Regarding:</p> <p>Farmers Markets Permitting Process-2009 Pilot Program</p>	<p>No. MDAR 09-01</p> <p>Effective Date:</p>
<p>Approved:</p> <p> 6/21/09 Superintendent, Seattle Dept. of Parks and Recreation Date</p> <p> 6-16-09 Director, Seattle Department of Transportation Date</p> <p> 6/18/09 Fire Chief, Seattle Fire Department Date</p> <p> 6/25/09 Director, Office of Economic Development Date</p>	<p style="text-align: center;">FILED CITY OF SEATTLE JUN 25 PM 1:41 CITY CLERK</p>

1.0 INTRODUCTION AND FINDINGS

1.1 Introduction

The City owns and operates various real properties, including property under the jurisdiction of the Seattle Parks and Recreation Department (“Parks”), the Seattle Department of Transportation (“SDOT”), and the Department of Fleets and Facilities (“FFD”). The City permits a variety of uses on some of its properties, as provided in the Seattle Municipal Code (“SMC”). The Seattle Fire Department (“SFD”) issues certain permits for farmers markets that occur on public or private property.

Several farmers markets have applied for and been granted permits to use property within Parks and SDOT jurisdiction to stage and support regularly recurring farmers markets. Questions have arisen regarding the application procedure and applicable fees for this particular use. The Parks, SDOT, and SFD fee schedules do not presently contain specific references to permits for farmers markets. The purpose of this Pilot Program and

implementing rule is to clarify the permitting procedures and the fees applicable to farmers markets.

1.2 Findings

The City finds:

1.2.1 Due to widespread redevelopment of property in Seattle's neighborhood business districts, existing farmers markets are experiencing difficulty staging markets on privately owned sites. Market sponsors have asked the city to assist them in securing more stable locations on public property. For example, in 2008 OED coordinated the relocation of the Lake City Market to Albert Davis Park.

1.2.2 The City has a substantial interest in identifying stable locations for farmers markets because they are extremely popular in the neighborhoods and provide valuable public benefits. The markets provide fresh regionally produced farm products directly to consumers who shop in neighborhood business districts. Other public benefits brought by these simple, popular markets include: improved access to high quality fresh fruits and vegetables; increased use of adjacent City property for desirable purposes such as pedestrian, park and recreational uses; a regular gathering place for people to interact in their neighborhood business districts; increased commerce for adjacent businesses due to greater pedestrian traffic on market days; and preservation of local farm land from redevelopment. Regional small farmers report that neighborhood farmers markets have become a vitally important source of revenue that enables them to keep their farms in production.

1.2.3 City property offers the best opportunity to locate more stable sites for regularly recurring farmers markets that are in or near neighborhood business districts and that provide a pleasing atmosphere for a festive community event. Property under the jurisdiction of Parks and SDOT are among the most suitable publicly owned sites upon which to locate regularly recurring farmers markets.

1.2.4 Regularly recurring farmers markets use public property in substantially the same manner each time, so certain fees should, as provided below, be calculated on an annual rather than a weekly or other "per use" basis.

1.2.5 Waiver of some Parks Department fees furthers Parks Department purposes, because it encourages and enhances park uses as identified in paragraph 1.2.2 above.

2.0 REFERENCES AND AUTHORITY

These rules are proposed under the authority of SMC chapter 3.02 and sections 3.12.020, 18.12.040, 22.600.020, as well as 2006 Seattle Fire Code Section 104.1.

3.0 DEFINITIONS

3.1 “Farmers Market” means a market that meets the conditions contained in Attachment I to these rules.

3.2 “Regularly recurring” means a farmers market:

3.2.1 Is scheduled to occur at the same location on public property at approximately the same time of day and on the same day or days of the week during at least fifteen (15) weeks per year; and,

3.2.2 Uses approximately the same amount and layout of public property such that it is appropriate to apply the fees as specified below on an annual rather than a per use basis;

3.3 “SMC” means Seattle Municipal Code.

4.0 DEPARTMENT OF PARKS AND RECREATION

4.1 The Superintendent is authorized to charge fees as provided in the Parks and Recreation Fee Schedule. That schedule lists a variety of uses and permits, and corresponding fees. The current 2009 schedule does not list a permit for farmers markets and does not delineate a fee for that particular type of use of Park’s property.

4.2 The Superintendent of Parks and Recreation therefore determines that the appropriate manner in which to apply the current 2009 schedule to regularly recurring farmers markets that use Parks property is as follows:

4.2.1 An annual standard application is required for a regularly recurring farmers markets at an annual application fee of \$75;

4.2.2 An hourly use fee of \$10 shall apply to each hour of use;

- 4.2.3 Based on the findings included in this Rule, the Superintendent hereby finds that a waiver of the booth fee; or the fee computed as 10% of gross sales income is in the overall public interest as applied to regularly recurring farmers markets (See SMC 18.28.030);
- 4.2.4 If Parks reasonably determines that a Parks event staff person is required to be present in order to monitor the use, the standard fee of \$20 per hour shall apply;
- 4.2.5 Other Parks fees such as for electrical utility hook ups shall apply as provided in the Fee Schedule.

5.0 SEATTLE DEPARTMENT OF TRANSPORTATION

- 5.1 The Director of SDOT is authorized to charge fees as provided in the SDOT Fee Schedule. That schedule lists a variety of uses and permits, and corresponding fees. The current 2009 schedule does not delineate a permit for farmers markets and does not delineate a fee for that particular type of use of SDOT property.
- 5.2 The Director therefore determines that the appropriate manner in which to apply the current 2009 schedule to regularly recurring farmers markets that participate in the pilot program is as follows:
 - 5.2.1 The "Field Review and Traffic Control Plan" fee of \$150 shall be computed on an annual basis for a regularly recurring farmers market;
 - 5.2.2 The application fee of \$101 shall be computed on an annual basis for a regularly recurring farmers market; and,
 - 5.2.3 SDOT may also charge the regular inspection fee of \$75 per inspection if an inspection is reasonably required under the circumstances, for example to determine if a farmers market is in compliance with the terms of its use permit.
 - 5.2.4 SDOT may issue on-street parking service permits, including parking meter hoods, without additional charge if necessary to enable a regularly recurring farmers market to use City parking spaces for the farmers market itself. SDOT shall not issue parking meter hoods under this section for vendor or patron parking (SMC 11.26.260).

6.0 SEATTLE FIRE DEPARTMENT

- 6.1 SFD requires and charges for a variety of fire code permits and inspection fees as provided in SMC Chapter 22.602 and its attached schedules.
- 6.2 Chapter 22.602 and the schedules do not specifically address farmers markets. SFD interprets that chapter and its schedules as follows as applied to regularly recurring farmers markets that participate in the pilot program:
- 6.2.1 Permit 8206 – “LPG, Place of Assembly, Temporary”, as described in Schedule B to SMC 22.602. SFD may issue this permit to a regularly recurring farmers market as a blanket annual permit for the farmers market as a whole, but only for LPG used for heating purposes. The permit fee shall be as currently provided in that section of the schedule. Individual vendors who use LPG for cooking purposes must each obtain the applicable permit and pay the applicable fee.

7.0 OFFICE OF ECONOMIC DEVELOPMENT

- 7.1 The Director of OED will facilitate the processing of permit applications from farmers markets for permits issued by Parks, SDOT, and SFD.
- 7.2 Markets that wish to participate in the pilot program shall submit applications to OED on forms developed for that purpose. OED shall process the applications, determine initial eligibility, coordinate the issuance of necessary permits, and periodically verify participating farmers markets ongoing eligibility to participate in the pilot program. Participating farmers markets shall promptly notify OED of any material changes in their operations that might affect their eligibility to participate in the pilot program.

ATTACHMENT I

Definition of an Eligible Farmers Market

The eligibility criteria for city assistance is modeled after existing rules and guidelines from the United States Department of Agriculture, the Washington State Farmers Market Association, the Neighborhood Farmers Market Alliance and other well established organizations who support healthy eating, improved access to food, and small farmers.

Markets are eligible to participate in the city program if at least 70% of the market's vendors are Washington State farms and businesses selling items from the following five categories listed below:

Fresh Farm Products: Includes fresh fruits and vegetables, herbs, nuts, honey, dairy products, eggs, poultry, mushrooms, meats, fish and shellfish. Also included in this category are fresh cut flowers, nursery stock, and plants. All fresh farm products must be grown or produced in Washington State. All fresh farm products must be grown or produced by the seller. Only farmers, ranchers, fishers, apiaries, nurseries, and foragers may sell fresh farm products. Vendors must be active owners and operators of the farming operation and may not be operating the business under a franchise agreement. Farmers must propagate all plants and flowers from seed, cuttings, bulbs or plant division. Farmers must be the owner-operators of bee hives from which they sell honey.

Value Added Farm Foods: Includes preserves, jams and jellies, cider, wine, distilled spirits, syrups, salsas, smoked or canned meats or fish, dried fruit, flours, salad dressings, and limited on-site processed farm food such as roasted peppers & roasted peanuts. All value added farm foods must be made from raw products/ ingredients, a majority of which are grown and produced by the seller. The seller must also be the creator of the value added farm foods he/she is selling (personally doing the cooking, canning, baking, preserving, etc to create the product or supervising his/her raw product with their own recipes produced in a permitted facility). Vendor must be an active owner and operator of the farming operation and may not be operating the business under a franchise agreement. Wines allowable for sale at the Market must use grapes and fruit grown in the five wine appellations of Washington State.

Dried Flowers, Crafted Farm Products: Allowed are: bouquets, wreaths, roping, arrangements and displays of fresh and dried flowers, vines and gourds. Beeswax candles are allowed by honey producers only. Only vine and woven wood baskets from farmers are allowed. These items must be grown, foraged and produced by vendor on vendor's own farm. Vendor must be an active owner and operator of the farming operation and may not be operating the business under a franchise agreement.

Processed Foods: Includes juices, wines, preserved foods, salad dressings, jams, wines, pastries, pasta, granola, cookies, muffins, breads, pies and related take home desserts; not prepared on site. Vendor must be an active owner/operator of the business and may not be operating under a franchise agreement. Processed foods must be produced by the vendor from raw ingredients. Vendors in this category are those who have cooked, baked or otherwise treated the product they sell. No commercially prepared dough mixes,

crusts, shells or fillings are allowed. The intent is to support local agriculture. It is expected that the vendor will use raw ingredients that are grown in Washington, as appropriate for the product, and when possible, use products from participating market farmers. Wines allowable for sale at the Market must use grapes and fruit grown in the five wine appellations of Washington State.

Prepared Foods: Allowed are freshly made foods available for sale and immediate consumption on-site. Vendor must be active owner/operator of the business and may not be operating under a franchise agreement. Priority will be given to vendors preparing food from raw ingredients and using ingredients grown and/or produced in Washington State and by participating market farmers.