



# MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(Revised: Feb. 2017)

APPROVED: MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R.2 DATE 7/19/18  
TAJA NELSON, ASST. BOARD CLERK

### Board Clerk Use Only

Meeting Date: 7/19/18  
Agenda Item #: R.2  
Est. Start Time: 10:00 a.m.  
Date Submitted: 6/20/18

**Agenda Title:** Ordinance Amending MCC Chapters 35 and 36 Relating to Agri-Tourism.

**Requested Meeting Date:** July 19, 2018 **Time Needed:** 15 minutes

**Department:** Community Services **Division:** Land Use Planning

**Contact(s):** Kevin Cook, Senior Planner

**Phone:** 503.988.0188 **Ext.** 80188 **Email:** kevin.c.cook@multco.us

**Presenters:** Kevin Cook, Senior Planner; Michael Cerbone, Planning Director

## General Information

### 1. What action are you requesting from the Board?

Conduct a public hearing and approve proposed amendments to Multnomah County Zoning Code Chapters 35 and 36. These legislative amendments have been recommended by the Multnomah County Planning Commission for adoption by the Board.

### 2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer(s) this action affects and how it impacts the results.

"Agri-tourism" is a term used for commercial events and activities that are related to and supportive of a farm use. Agri-tourism in this proposed ordinance refers to events and activities that are distinct and separate from those similar events and activities that occur in association with winery or farm stand permits. To date, Multnomah County has not enacted stand-alone agri-tourism provisions.

The County Comprehensive Plan adopted in 2016 includes policies on agri-tourism that have been carried over from the 2015 Sauvie Island/Multnomah Channel Rural Area Plan. Those policies call for not allowing agri-tourism events in West Multnomah County, but allowing them in East Multnomah County with provisions that are more restrictive than what state law allows. The proposed amendments implement those policies by incorporating provisions of state law and by adding more restrictive standards, including adding a clear definition of what an agri-tourism event is.

Although the statute on agri-tourism only specifically addresses exclusive farm use (EFU) zones, the proposed ordinance will also allow agri-tourism activities in the East County Multiple Use Agricultural (MUA-20) zone outside of designated urban and rural reserves.

The Board of County Commissioners previously considered this matter on June 29, 2017, and after hearing testimony in favor of setting different thresholds for agri-tourism in the MUA-20 zone, postponed a decision on the issue pending further outreach to the affected MUA-20 zoned neighborhoods.

On the evening of October 16, 2017, planning staff met with owners of the affected (MUA-20) properties at the Corbett Grange Hall. At the meeting, community members and planners discussed the current proposal as well as different acreage thresholds. Feedback at the meeting and through online and phone comments have generally been supportive of the proposed ordinance.

At the subsequent Planning Commission hearing beginning January 8, 2018 (and continued to February 5, 2018), the Planning Commission recommended adoption of the previously proposed ordinance with changes to the parking requirements that would allow event parking on contiguous properties in the MUA-20 zone.

**3. Explain the fiscal impact (current year and ongoing).**

None.

**4. Explain any legal and/or policy issues involved.**

The proposed amendments further clarify and implement applicable state land use law.

**5. Explain any citizen and/or other government participation that has or will take place.**

Agri-tourism was discussed extensively during preparation of the Sauvie Island/Multnomah Channel (SIMC) Rural Area Plan but mostly within the context of farm stands. The SIMC advisory committee opposed allowing stand-alone agri-tourism and developed a policy stating that. The Community Advisory Committee (CAC) that worked on the Comprehensive Plan update discussed agri-tourism in the broader context of all Multnomah County and extended the SIMC policy to the entire West County area. However, the CAC was agreeable to allowing agri-tourism in East Multnomah County and crafted policy to guide the zoning amendments that are the subject of this ordinance.

The County Planning Commission held a public hearing on May 1, 2017 during which all interested persons were given the opportunity to appear and be heard. The hearing was continued to June 5, 2017 in order to accept additional testimony about whether to also allow agri-tourism in the MUA-20 zone. On June 29, 2017, the Board of County Commissioners held a hearing on the matter. On the evening of October 16, 2017, staff held a publically noticed neighborhood meeting at the Corbett Grange Hall. A subsequent Planning Commission hearing was held on January 8, 2018 and continued to February 5, 2018. Notices of the Planning Commission hearings were published in the Oregonian newspaper and on the website of the Multnomah County Land Use Planning Program. In addition, prior to the May 1, 2017 and January 8, 2018 Planning Commission hearing on this ordinance, the County mailed notices to individual property owners as required by ORS 215.203 (commonly known as Ballot Measure 56 notice).

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**Required Signature**

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**Elected  
Official or  
Department  
Director:**

Jamie Waltz, Deputy Director /s/

**Date:** June 20, 2018

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON**

**ORDINANCE NO. \_\_\_\_\_**

Amending MCC Chapters 35 and 36 Relating to Agri-Tourism.

(Language ~~stricken~~ is deleted; underlined language is new.)

**The Multnomah County Board of Commissioners Finds:**

- a. Periodically, there is a need to amend County land use policies or regulations to address a change in law or circumstance; to implement elements of the Multnomah County Comprehensive Plan; or to make technical corrections for, among other things, clarification and consistency (commonly referred to as “housekeeping amendments”). Having identified such need, the Multnomah County Planning Commission recommended the adoption of this ordinance to the Board of County Commissioners. The Planning Commission made such recommendation through adoption of the resolution described below and pursuant to its authority in MCC 35.0140, 36.0140, and 37.0710 and in ORS 215.110.
- b. Planning Commission Resolution No. PC 2016-4864-1 relates to Agri-Tourism in unincorporated Multnomah County and implements state law as well as policies set forth in the Multnomah County Comprehensive Plan, including, but not limited to, Policies 3.26 through 3.29 (“Policies”). Those Policies contemplate authorizing agri-tourism for the East and West of Sandy River rural planning areas only and call for standards that are more restrictive than what is allowed by ORS 215.283(4)-(6). This ordinance implements those policies by authorizing agri- tourism in the Exclusive Farm Use zones in the East and West of Sandy River rural planning areas; defining the events and activities that qualify as agri-tourism; establishing permit procedures and duration; and establishing standards relating to minimum tract size, use of the land, maximum attendance, parking and traffic control, temporary structures, hours of operation, noise, lighting, sanitation and solid waste, signage, camping, and inspections.
- c. The Planning Commission held two work sessions on the proposal. In addition, the Planning Commission held two public hearings on May 1, 2017, and June 5, 2017, during which all interested persons were given the opportunity to appear and be heard. Notice of the Planning Commission’s hearings was published in the Oregonian newspaper and on the website of the Multnomah County Land Use Planning Program. In addition, prior to the Planning Commission’s first hearing on May 1, 2017, the County mailed notices of the hearing to individual property owners.

- d. Public testimony at the 2017 Planning Commission hearings included requests to authorize agri-tourism and other commercial events or activities in the Multiple Use Agriculture – 20 (MUA-20) zone. However, under OAR 660-027-0070(2)-(3), the County cannot allow certain new uses on lands designated urban reserves or rural reserves in the MUA-20 zone. All land in the MUA-20 zone in the West of Sandy River rural planning area is designated as urban reserve or rural reserve and agri-tourism therefore cannot be authorized in that zone. This ordinance does authorize agri-tourism in the MUA-20 zone in the East of Sandy River rural planning area on land that is not designated as urban reserve or rural reserve.
- e. The Multnomah County Board of Commissioners held a public hearing on the proposed ordinance on June 29, 2017. The Board of Commissioners postponed a decision on the matter pending additional public outreach to the owners of potentially affected MUA-20 zoned properties.
- f. On October 16, 2017, planning staff held a public meeting with MUA-20 property owners at the Columbia Grange Hall in Corbett, Oregon. The majority of community feedback was supportive of the ordinance as proposed, although some expressed the view that agri-tourism events should be subject to different standards in the MUA-20 zone based on property acreage. Based on community feedback, planning staff recommended adoption of the ordinance as originally proposed.
- g. On January 8, 2018, the Planning Commission held an additional public hearing on the proposed ordinance. The County mailed notice of the January 8, 2018 public hearing to individual property owners within the affected MUA-20 zone areas. Notice of the Planning Commission hearing was timely published in the Oregonian newspaper and on the County's Land Use Planning Program website.
- h. Public testimony at the January 8, 2018 public hearing included requests to allow parking for agri-tourism events on contiguous properties in the MUA-20 zone. The Planning Commission carried deliberation on the ordinance over from the January 8, 2018 public hearing to the February 5, 2018 meeting to allow planning staff to make additional amendments to the ordinance in response to public comments and Planning Commissioner concerns relating to parking on contiguous properties in the MUA-20 zone.
- i. On February 5, 2018, the Planning Commission reopened the public hearing to allow additional written testimony. After deliberation, the Planning Commission recommended adoption of the ordinance as originally proposed, but with the amendments from staff relating to parking.
- j. The Planning Commission's recommendation is sound and derives from the proper execution of its duties and authority. It is in the public interest to adopt this ordinance.

**Multnomah County Ordains as Follows:**

**Section 1.** MCC 35.0005 is amended as follows:

**§ 35.0005 DEFINITIONS.**

As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.

\* \* \*

**AGRI-TOURISM EVENT** - A commercial event or activity that is incidental and subordinate to the existing farm use and that is significantly and directly related to and supportive of that farm use. Any assembly of persons for such an event or activity shall be for the purpose of taking part in agriculturally based operations, events or activities such as classes about animal or crop care, cooking or cleaning farm products, or tasting farm products; learning about farm or ranch operations; or other similar events and activities relating to the farm uses on that farm. Farm-to-plate meals are agri-tourism events if more than 50 percent of the food making up the farm-to-plate meal comes from farm crops or livestock grown on the farm or on other farms within the “local agricultural area” as that term is defined in MCC 35.6775. Agri-tourism does not include commercial events or activities that are not incidental and subordinate to the existing farm use and do not directly relate to and support that use, including but not limited to celebratory gatherings, weddings, concerts, corporate retreats, sporting events, amusement park rides, or similar activities where the primary focus is the underlying cause for the event or activity rather than the farm operation.

\* \* \*

**Section 2.** MCC 36.0005 is amended as follows:

**§ 36.0005 DEFINITIONS.**

As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.

\* \* \*

**AGRI-TOURISM EVENT** - A commercial event or activity that is incidental and subordinate to the existing farm use and that is significantly and directly related to and supportive of that farm use. Any assembly of persons for such an event or activity shall be for the purpose of taking part in agriculturally based operations, events or activities such as classes about animal or crop care, cooking or cleaning farm products, or tasting farm products; learning about farm or ranch operations; or other similar events and activities relating to the farm uses on that farm. Farm-to-plate meals are agri-tourism events if more than 50 percent of the food making up the farm-to-plate meal comes from farm crops or livestock grown on the farm or on other farms within the “local agricultural area” as that term is defined in MCC 36.6775. Agri-tourism does not include commercial events or activities that are not incidental and subordinate to the existing farm use and do not directly relate to and support that use, including but not limited to

celebratory gatherings, weddings, concerts, corporate retreats, sporting events, amusement park rides, or similar activities where the primary focus is the underlying cause for the event or activity rather than the farm operation.

\* \* \*

**Section 3.** MCC 35.2620 is amended as follows:

**§ 35.2620 ALLOWED USES.**

\* \* \*

(BB) A single, one-day agri-tourism event subject to MCC 35.6850.

**Section 4.** MCC 35.2625 is amended as follows:

**§ 35.2625 REVIEW USES.**

\* \* \*

(U) Agri-tourism events subject to MCC 35.6855.

**Section 5.** MCC 36.2620 is amended as follows:

**§ 36.2620 ALLOWED USES.**

\* \* \*

(BB) A single, one-day agri-tourism event subject to MCC 36.6850.

**Section 6.** MCC 36.2625 is amended as follows:

**§ 36.2625 REVIEW USES.**

\* \* \*

(V) Agri-tourism events subject to MCC 36.6855.

**Section 7.** MCC 35.2820 is amended as follows:

**§ 35.2820 ALLOWED USES.**

\* \* \*

(L) A single, one-day agri-tourism event subject to MCC 35.6850.

**Section 8.** MCC 35.2825 is amended as follows:

**§ 35.2825 REVIEW USES.**

\* \* \*

(L) Agri-tourism events subject to MCC 35.6855.

**Section 9.** MCC 35.6850 is added as follows:

**§ 35.6850 STANDARDS FOR A SINGLE, ONE-DAY AGRITOURISM EVENT.**

Satisfaction of the following standards of approval for a single, one-day agri-tourism event on a tract per calendar year shall be determined through the Type I permit review process.

(A) Limitations on Use:

(1) Within the EFU base zone, the agri-tourism event is held on a tract that is ten acres or larger in size and there is existing farm use on the tract.

(2) Within the MUA-20 base zone, the agri-tourism event is held on a tract that is five acres or larger in size, there is existing farm use on the tract, and the tract is not within a designated urban or rural reserve.

(B) Maximum Attendance: Attendance shall not exceed 20 total attendees and 20 total vehicles.

(C) Parking and Traffic Control:

(1) The agri-tourism event will be conducted in compliance with a parking plan approved by the decision maker.

(2) In the EFU base zone, all agri-tourism event parking shall be accommodated on the tract; off-tract parking is prohibited.

(3) In the MUA-20 base zone, all agri-tourism event parking shall be accommodated on the tract or on a contiguous property that is also located within the MUA-20 base zone. Parking on a contiguous property may be permitted if:

(a) The owner of record or contract purchaser of the contiguous property has provided written consent to allow parking on the owner or contract purchaser's property as described in the parking plan;

(b) All event parking will be located within the MUA-20 base zone;

(c) There is safe and convenient access for pedestrians between the parking area and the event property;

(d) No portion of a public road right of way will be crossed, traversed, or otherwise used by pedestrians traveling between the parking area and the event property; and

(e) The contiguous property used for parking and circulation will not host other activities associated with or related to the agri-tourism event.

(4) A permit authorizing event parking on a contiguous property is not a land use decision that the contiguous property is or is not in full compliance with all applicable provisions of the Multnomah County Land Use Code or any permit approvals previously issued by the County for that property.

(5) The agri-tourism event will be conducted in compliance with a traffic control plan providing safe and efficient on-site and off-site traffic management approved by the County Engineer, unless the County Engineer finds that a traffic control plan is unnecessary due to the nature of the event or finds that the characteristics of the tract or any other factor inherently ensures that traffic circulation and management will occur in a safe manner.

(D) Temporary Structures: Temporary structures, if any, are set up no earlier than 7:00 AM of the day of the event and taken down no later than 10:00 PM of the day of the event. A temporary structure shall be placed no closer than 100 feet from a property line.

(E) Hours of Operation: The agri-tourism event shall begin no earlier than 9:00 AM and shall conclude no later than 9:00 PM. No guest vehicle may arrive prior to 8:30 AM or depart later than 9:30 PM on the day of the event.

(F) Noise: No artificial amplification of sound shall occur before 9:00 AM or after 8:00 PM. At no time shall the event generate noise above 60 decibels (dBA) at or beyond the property lines of the property on which the agri-tourism event is being held. (Note: The sound intensity of 60 decibels is comparable to conversations in a public place like a restaurant.)

(G) Lighting: Any outdoor lighting for the event shall comply with MCC 35.4185 and MCC 35.0570.

(H) Sanitation Facilities: A restroom located in an existing permanent structure or a portable restroom facility with a hand washing station shall be provided on the tract for use by attendees of the event.

(I) Solid Waste: The agri-tourism event will be conducted in compliance with a solid waste plan that explains how solid waste generated by the event will be collected and disposed of at a Metro designated regional solid waste facility.

(J) Signage: One temporary non-illuminated sign not to exceed 16 square feet per sign face shall be permitted and shall only be placed on the tract. The sign may be a double faced sign. Off-tract signs are prohibited, whether placed in the public right-of-way, adjacent properties or elsewhere. The sign may be displayed only on the day of the event.

(K) Camping is prohibited.

(L) Inspection of Event: The agri-tourism event shall be open to inspection by any authority having jurisdiction over the event or any part thereof, including but not limited to, law enforcement, public health, fire control, and code compliance personnel.

(M) Notwithstanding the transfer of approval rights in MCC 37.0770, approval of the agri-tourism event does not run with the property and is not transferred with ownership of the tract. Approval of the agri-tourism event permit is personal to the applicant and specific to the authorized tract. The permit terminates automatically, immediately and without notification if farm use ceases to occur on the tract or the applicant no longer has control of the tract as its owner or lessee.

(N) Violation by the permit holder of any standard or condition of approval issued with the permit may be considered in any subsequent agri-tourism permit application and may be grounds for denial of any subsequent permit.

(O) A permit for up to six one-day agri-tourism events has not been issued for the same tract in the same calendar year nor has a permit been issued for a farm stand promotional activity or a winery agri-tourism or other commercial event for the same tract.

(P) Agri-tourism events are not permitted in conjunction with a farm operation involving any form of marijuana business.

**Section 10.** MCC 36.6850 is added as follows:

**§ 36.6850 STANDARDS FOR A SINGLE, ONE-DAY AGRITOURISM EVENT.**

Satisfaction of the following standards of approval for a single, one-day agri-tourism event on a tract per calendar year shall be determined through the Type I permit review process.

(A) Limitations on Use: The agri-tourism event is held on a tract that is ten acres or larger in size and there is existing farm use on the tract.

(B) Maximum Attendance: Attendance shall not exceed 20 total attendees and 20 total vehicles.

(C) Parking and Traffic Control:

(1) The agri-tourism event will be conducted in compliance with a parking plan approved by the decision maker.

(2) All agri-tourism event parking shall be accommodated on the tract; off-tract parking is prohibited.

(3) The agri-tourism event will be conducted in compliance with a traffic control plan providing safe and efficient on-site and off-site traffic management approved by the County Engineer, unless the County Engineer finds that a traffic control plan is unnecessary due to the nature of the event or finds that the characteristics of the tract or any other factor inherently ensures that traffic circulation and management will occur in a safe manner.

(D) Temporary Structures: Temporary structures, if any, are set up no earlier than 7:00 AM of the day of the event and taken down no later than 10:00 PM of the day of the event. A temporary structure shall be placed no closer than 100 feet from a property line.

(E) Hours of Operation: The agri-tourism event shall begin no earlier than 9:00 AM and shall conclude no later than 9:00 PM. No guest vehicle may arrive prior to 8:30 AM or depart later than 9:30 PM on the day of the event.

(F) Noise: No artificial amplification of sound shall occur before 9:00 AM or after 8:00 PM. At no time shall the event generate noise above 60 decibels (dBA) at or beyond the property lines of the property on which the agri-tourism event is being held. (Note: The sound intensity of 60 decibels is comparable to conversations in a public place like a restaurant.)

(G) Lighting: Any outdoor lighting for the event shall comply with MCC 36.4185 and MCC 36.0570.

(H) Sanitation Facilities: A restroom located in an existing permanent structure or a portable restroom facility with a hand washing station shall be provided on the tract for use by attendees of the event.

(I) Solid Waste: The agri-tourism event will be conducted in compliance with a solid waste plan that explains how solid waste generated by the event will be collected and disposed of at a Metro designated regional solid waste facility.

(J) Signage: One temporary non-illuminated sign not to exceed 16 square feet per sign face shall be permitted and shall only be placed on the tract. The sign may be a double faced sign. Off-tract signs are prohibited, whether placed in the public right-of-way, adjacent properties or elsewhere. The sign may be displayed only on the day of the event.

(K) Camping is prohibited.

(L) Inspection of Event: The agri-tourism event shall be open to inspection by any authority having jurisdiction over the event or any part thereof, including but not limited to, law enforcement, public health, fire control, and code compliance personnel.

(M) Notwithstanding the transfer of approval rights in MCC 37.0770, approval of the agri-tourism event does not run with the property and is not transferred with ownership of the tract. Approval of the agri-tourism event permit is personal to the applicant and specific to the authorized tract. The permit terminates automatically, immediately and without notification if farm use ceases to occur on the tract or the applicant no longer has control of the tract as its owner or lessee.

(N) Violation by the permit holder of any standard or condition of approval issued with the permit may be considered in any subsequent agri-tourism permit application and may be grounds for denial of any subsequent permit.

(O) A permit for up to six one-day agri-tourism events has not been issued for the same tract in the same calendar year nor has a permit been issued for a farm stand promotional activity or a winery agri-tourism or other commercial event for the same tract.

(P) Agri-tourism events are not permitted in conjunction with a farm operation involving any form of marijuana business.

**Section 11.** MCC 35.6855 is added as follows:

**§ 35.6855 STANDARDS FOR OTHER AGRITOURISM EVENTS.**

Satisfaction of the following standards of approval for up to six one-day agri-tourism events on a tract per calendar year shall be determined through the Type II permit review process.

(A) Limitations on Use:

(1) Within the EFU base zone, the agri-tourism event is held on a tract that is ten acres or larger in size and there is existing farm use on the tract.

(2) Within the MUA-20 base zone, the agri-tourism event is held on a tract that is five acres or larger in size, there is existing farm use on the tract, and the tract is not within a designated urban or rural reserve.

(B) Maximum Attendance: Attendance shall not exceed 50 total attendees and 35 total vehicles per event.

(C) Parking and Traffic Control:

(1) The agri-tourism event will be conducted in compliance with a parking plan approved by the decision maker.

(2) In the EFU base zone, all agri-tourism event parking shall be accommodated on the tract; off-tract parking is prohibited.

(3) In the MUA-20 base zone, all agri-tourism event parking shall be accommodated on the tract or on a contiguous property that is also located within the MUA-20 base zone. Parking on a contiguous property may be permitted if:

(a) The owner of record or contract purchaser of the contiguous property has provided written consent to allow parking on the owner or contract purchaser's property as described in the parking plan;

(b) All event parking will be located within the MUA-20 base zone;

(c) There is safe and convenient access for pedestrians between the parking area and the event property;

(d) No portion of a public road right of way will be crossed, traversed, or otherwise used by pedestrians traveling between the parking area and the event property; and

(e) The contiguous property used for parking and circulation will not host other activities associated with or related to the agri-tourism event.

(4) A permit authorizing event parking on a contiguous property is not a land use decision that the contiguous property is or is not in full compliance with all applicable provisions of the Multnomah County Land Use Code or any permit approvals previously issued by the County for that property.

(5) The agri-tourism event will be conducted in compliance with a traffic control plan providing safe and efficient on-site and off-site traffic management approved by the County Engineer, unless the County Engineer finds that a traffic control plan is unnecessary due to the nature of the event or finds that the characteristics of the tract or any other factor inherently ensures that traffic circulation and management will occur in a safe manner.

(D) Temporary Structures: Temporary structures, if any, are set up no earlier than 7:00 AM of the day of the event and taken down no later than 10:00 PM of the day of the event. A temporary structure shall be placed no closer than 100 feet from a property line.

(E) Hours of Operation: Each agri-tourism event shall begin no earlier than 9:00 AM and shall conclude no later than 9:00 PM. No guest vehicle may arrive prior to 8:30 AM or depart later than 9:30 PM on the day of the event.

(F) Noise: No artificial amplification of sounds shall occur before 9:00 AM or after 8:00 PM. At no time shall an event generate noise above 60 decibels (dBA) at the property lines of the property on which the agri-tourism event is being held. (Note: The sound intensity of 60 decibels is comparable to conversations in a public place like a restaurant.)

(G) Lighting: Any outdoor lighting for the agri-tourism event shall comply with MCC 35.4185 and MCC 35.0570.

(H) Sanitation Facilities: A restroom located in an existing permanent structure or a portable restroom facility with a hand washing station shall be provided on the tract for use by attendees of the event.

(I) Solid Waste: The agri-tourism event will be conducted in compliance with a solid waste plan that explains how solid waste generated by the event will be collected and disposed of at a Metro designated regional solid waste facility.

(J) Signage: One temporary non-illuminated sign not to exceed 16 square feet per sign face shall be permitted and shall only be placed on the tract. The sign may be a double faced sign. Off-tract signs are prohibited, whether placed in the public right-of-way, adjacent properties or elsewhere. The sign may be displayed only on the day of the event.

(K) In order to approve the permit application, findings must be made that the agri-tourism event:

(1) Has as its primary focus the farm use rather than the underlying cause of the activity or event; and

(2) Significantly and directly relates to and supports the farm use; and

(3) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

(4) Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

(5) Will not, in combination with other agri-tourism or other commercial events or activities authorized in the area, materially alter the stability of the land use pattern in the area.

(L) Camping is prohibited.

(M) Inspection of Event: The agri-tourism event shall be open to inspection by any authority having jurisdiction over the event or any part thereof, including but not limited to, law enforcement, public health, fire control, and code compliance personnel.

(N) Notwithstanding the transfer of approval rights in MCC 37.0770, approval of the agri-tourism event does not run with the property and is not transferred with ownership of the tract. Approval of the agri-tourism event permit is personal to the applicant and specific to the authorized tract. The permit terminates automatically, immediately and without notification if farm use ceases to occur on the tract or the applicant no longer has control of the tract as its owner or lessee.

(O) Permit Duration and Application Period: The first agri-tourism permit issued to an applicant under this section is limited to one calendar-year. After an applicant conducts the first calendar-year of agri-tourism events approved under this section in compliance with the permit for such events, subsequent agri-tourism event permits may be approved for two consecutive calendar-year periods for up to six events in each calendar year of the permit. Each subsequent permit after the initial calendar year permit shall be processed as a new Type II permit application and shall be subject to the current approval criteria and standards at the time of the application.

(P) Violation by the permit holder of any standard or condition of approval issued with the permit may be considered in any subsequent agri-tourism permit application and may be grounds for denial of any subsequent permit.

(Q) Modifications: The Planning Director may approve minor modifications to the approved permit and the conditions of approval without the need for a new permit application. A minor modification is one that:

- (1) Does not modify the requirements of (A), (B) and (E) of this section;
- (2) Is consistent with the current permit; and
- (3) Does not increase the impact to surrounding properties.

(R) A permit for a single, one-day agri-tourism event has not been issued for the same tract in the same calendar year nor has a permit been issued for a farm stand promotional activity or a winery agri-tourism or other commercial event for the same tract.

(S) Agri-tourism events are not permitted in conjunction with a farm operation involving any form of marijuana business.

**Section 12.** MCC 36.6855 is added as follows:

**§ 36.6855      STANDARDS FOR OTHER AGRI-TOURISM EVENTS.**

Satisfaction of the following standards of approval for up to six one-day agri-tourism events on a tract per calendar year shall be determined through the Type II permit review process.

(A) Limitations on Use: The agri-tourism event is held on a tract that is ten acres or larger in size and there is existing farm use on the tract.

(B) Maximum Attendance: Attendance shall not exceed 50 total attendees and 35 total vehicles per event.

(C) Parking and Traffic Control:

(1) The agri-tourism event will be conducted in compliance with a parking plan approved by the decision maker.

(2) All event parking shall be accommodated on the tract; off-tract parking is prohibited.

(3) The agri-tourism event will be conducted in compliance with a traffic control plan providing safe and efficient on-site and off-site traffic management approved by the County Engineer, unless the County Engineer finds that a traffic control plan is unnecessary due to the nature of the event or finds that the characteristics of the tract or any other factor inherently ensures that traffic circulation and management will occur in a safe manner.

(D) Temporary Structures: Temporary structures, if any, are set up no earlier than 7:00 AM of the day of the event and taken down no later than 10:00 PM of the day of the event. A temporary structure shall be placed no closer than 100 feet from a property line.

(E) Hours of Operation: Each agri-tourism event shall begin no earlier than 9:00 AM and shall conclude no later than 9:00 PM. No guest vehicle may arrive prior to 8:30 AM or depart later than 9:30 PM on the day of the event.

(F) Noise: No artificial amplification of sounds shall occur before 9:00 AM or after 8:00 PM. At no time shall an event generate noise above 60 decibels (dBA) at or beyond the property lines of the property on which the agri-tourism event is being held. (Note: The sound intensity of 60 decibels is comparable to conversations in a public place like a restaurant.)

(G) Lighting: Any outdoor lighting for the agri-tourism event shall comply with MCC 36.4185 and MCC 36.0570.

(H) Sanitation Facilities: A restroom located in an existing permanent structure or a portable restroom facility with a hand washing station shall be provided on the tract for use by attendees of the event.

(I) Solid Waste: The agri-tourism event will be conducted in compliance with a solid waste plan that explains how solid waste generated by the event will be collected and disposed of at a Metro designated regional solid waste facility.

(J) Signage: One temporary non-illuminated sign not to exceed 16 square feet per sign face shall be permitted and shall only be placed on the tract. The sign may be a double faced sign. Off-tract signs are prohibited, whether placed in the public right-of-way, adjacent properties or elsewhere. The sign may be displayed only on the day of the event.

(K) In order to approve the permit application, findings must be made that the agri-tourism event:

(1) Has as its primary focus the farm use rather than the underlying cause of the activity or event; and

(2) Significantly and directly relates to and supports the farm use; and

(3) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

(4) Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

(5) Will not, in combination with other agri-tourism or other commercial events or activities authorized in the area, materially alter the stability of the land use pattern in the area.

(L) Camping is prohibited.

(M) Inspection of Event: The agri-tourism event shall be open to inspection by any authority having jurisdiction over the event or any part thereof, including but not limited to, law enforcement, public health, fire control, and code compliance personnel.

(N) Notwithstanding the transfer of approval rights in MCC 37.0770, approval of the agri-tourism event does not run with the property and is not transferred with ownership of the tract. Approval of the agri-tourism event permit is personal to the applicant and specific to the authorized tract. The permit terminates automatically, immediately and without notification if farm use ceases to occur on the tract or the applicant no longer has control of the tract as its owner or lessee.

(O) Permit Duration and Application Period: The first agri-tourism permit issued to an applicant under this section is limited to one calendar-year. After an applicant conducts the first calendar-year of agri tourism events approved under this section in compliance with the permit for such events, subsequent agri-tourism event permits may be approved for two consecutive calendar-year periods for up to six events in each calendar year of the permit. Each subsequent permit after the initial calendar year permit shall be processed as a new Type II permit application and shall be subject to the current approval criteria and standards at the time of the application.

(P) Violation by the permit holder of any standard or condition of approval issued with the permit may be considered in any subsequent agri-tourism permit application and may be grounds for denial of any subsequent permit.

(Q) Modifications: The Planning Director may approve minor modifications to the approved permit and the conditions of approval without the need for a new permit application. A minor modification is one that:

(1) Does not modify the requirements of (A), (B) and (E) of this section;

(2) Is consistent with the current permit; and

(3) Does not increase the impact to surrounding properties.

(R) A permit for a single, one-day agri-tourism event has not been issued for the same tract in the same calendar year nor has a permit been issued for a farm stand promotional activity or a winery agri-tourism or other commercial event for the same tract.

(S) Agri-tourism events are not permitted in conjunction with a farm operation involving any form of marijuana business.

FIRST READING: \_\_\_\_\_ July 19, 2018

SECOND READING AND ADOPTION: \_\_\_\_\_ July 26, 2018

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

\_\_\_\_\_  
Deborah Kafoury, Chair

REVIEWED:

JENNY M. MADKOUR, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Katherine Thomas, Assistant County Attorney

SUBMITTED BY: Kim Peoples, Director, Department of Community Services