

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

ORDINANCE NO. _____

Amending MCC Chapters 33, 34, 35 and 36 Relating to Farm Stands.

(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 33.0140, 34.0140, 35.0140, 36.0140, and 38.0340 and in ORS 215.110.
- b. Planning Commission Resolution No. PC 2017-7340 relates to farm stands 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 3.17 through 3.20. Implementing the Policies in the manner set forth in this Ordinance will improve the balance between promoting the farm stand use as a beneficial source of revenue for farmers and retaining the maximum possible supply of land in agricultural production. Because the allowance of the degree of commercial activity associated with farm stands in zones other than the EFU no longer appears appropriate for zones where farming is not the primary focus, the farm stand use should be removed from all such zones.
- c. The Planning Commission held two work sessions on the proposal. The Planning Commission held a public hearing on May 1, 2017, during which all interested persons were given the opportunity to appear and be heard. At the conclusion of public testimony the hearing was closed to further testimony but the public hearing was continued to June 5, 2017 for consideration and deliberation of the proposal and all public testimony. Notice of the Planning Commission’s hearing was published in the Oregonian newspaper and on the website of the Multnomah County Land Use Planning Program. In addition, the County mailed notices to individual property owners as required by ORS 215.503 (commonly referred to as “Ballot Measure 56 notice”).
- d. The Planning Commission’s recommendation is sound and derives from the proper execution of its duties and authority and it is in the public interest to adopt this ordinance.

Multnomah County Ordains as Follows:

Section 1. MCC 33.2625 is amended as follows:

§ 33.2625 REVIEW USES.

* * *

(G) A Farm Stand ~~when found that~~ subject to 33.6770 through 33.6785.

- (1) ~~The structures are designed and used for the sale of farm crops or livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items, and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sale of incidental items and fees from promotional activity do not make up more than 25 percent of the total sales of the farm stand; and~~
- (2) ~~The farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings or public entertainment.~~
- (3) ~~As used in this section, “farm crops or livestock” includes both fresh and processed farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area. As used in this subsection, “processed crops and livestock” includes jams, syrups, apple-cider, animal products and other similar farm crops and livestock that have been processed and converted into another product but not prepared food items.~~
- (4) ~~As used in this section, “local agricultural area” includes Oregon or an adjacent county in Washington that borders Multnomah County.~~

* * *

Section 2. MCC 34.2625 is amended as follows:

§ 34.2625 REVIEW USES.

* * *

(G) A Farm Stand ~~when found that~~ subject to 34.6770 through 34.6785.

- (1) ~~The structures are designed and used for the sale of farm crops or livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items, and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sale of incidental items and fees from promotional activity do not make up more than 25 percent of the total sales of the farm stand; and~~

- (2) ~~The farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings or public entertainment.~~
- (3) ~~As used in this section, “farm crops or livestock” includes both fresh and processed farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area. As used in this subsection, “processed crops and livestock” includes jams, syrups, apple-cider, animal products and other similar farm crops and livestock that have been processed and converted into another product but not prepared food items.~~
- (4) ~~As used in this section, “local agricultural area” includes Oregon or an adjacent county in Washington that borders Multnomah County.~~

* * *

Section 3. MCC 35.2625 is amended as follows:

§ 35.2625 REVIEW USES.

* * *

(G) ~~A Ffarm Sstands when found that~~ subject to 35.6770 through 35.6785.

- (1) ~~The structures are designed and used for the sale of farm crops or livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items, and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sale of incidental items and fees from promotional activity do not make up more than 25 percent of the total sales of the farm stand; and~~
- (2) ~~The farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings or public entertainment.~~
- (3) ~~As used in this section, “farm crops or livestock” includes both fresh and processed farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area. As used in this subsection, “processed crops and livestock” includes jams, syrups, apple-cider, animal products and other similar farm crops and livestock that have been processed and converted into another product but not prepared food items.~~
- (4) ~~As used in this section, “local agricultural area” includes Oregon or an adjacent county in Washington that borders Multnomah County.~~

* * *

Section 4. MCC 36.2625 is amended as follows:

§ 36.2625 REVIEW USES.

* * *

(G) ~~A Farm Stand when found that~~ subject to 36.6770 through 36.6785.

- ~~(1) — The structures are designed and used for the sale of farm crops or livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items, and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sale of incidental items and fees from promotional activity do not make up more than 25 percent of the total sales of the farm stand; and~~
- ~~(2) — The farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings or public entertainment.~~
- ~~(3) — As used in this section, “farm crops or livestock” includes both fresh and processed farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area. As used in this subsection, “processed crops and livestock” includes jams, syrups, apple-cider, animal products and other similar farm crops and livestock that have been processed and converted into another product but not prepared food items.~~
- ~~(4) — As used in this section, “local agricultural area” includes Oregon or an adjacent county in Washington that borders Multnomah County.~~

* * *

Section 5. MCC 35.2830 is amended as follows:

§ 35.2830 CONDITIONAL USES.

The following uses may be permitted when found by the approval authority to satisfy the applicable ordinance standards:

* * *

~~(F) — A farm stand subject to MCC 35.6750 and MCC 35.6760.~~

Section 6. MCC 35.3130 is amended as follows:

§ 35.3130 CONDITIONAL USES.

The following uses may be permitted when found by the Hearings Officer to satisfy the applicable Ordinance standards:

* * *

~~(E) — A farm stand subject to MCC 35.6750 and MCC 35.6760.~~

Section 7. MCC 35.3330 is amended as follows:

§ 35.3330 **CONDITIONAL USES.**

The following uses may be permitted when found by the Hearings Officer to satisfy the applicable Ordinance standards:

* * *

~~(E) — A farm stand subject to MCC 35.6750 and MCC 35.6760.~~

Section 8. MCC 35.6750 is amended as follows:

§ 35.6750 **DEFINITIONS.**

~~(A) *Local agricultural area* — Oregon or an adjacent county in Washington that borders Multnomah County.~~

~~(B) *Farm crops or livestock* — Both fresh and processed farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area. As used in this subsection, “processed crops and livestock” includes jams, syrups, apple cider, animal products and other similar farm crops and livestock that have been processed and converted into another product but not prepared food items.~~

Section 9. MCC 35.6760 is amended as follows:

§ 35.6760 **CRITERIA FOR APPROVAL.**

~~(1) — The parcel where the farm stand is located is adjacent to the Historic Columbia River Highway (Highway) or has road frontage on a County maintained road that intersects with the Highway. A portion of the parcel’s road frontage shall be within 500 feet, as driven, from the Historic Columbia River Highway.~~

~~(2) — The farm stand is designed and used for the sale of farm crops or livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items, and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sale of incidental items and fees from promotional activity do not make up more than 25 percent of the total sales of the farm stand.~~

~~(3) — A farm stand operation that includes fee-based activities shall be located on a lot of with a minimum lot size of five acres and 75 percent of the lot must be used in the farm operation. The farm stand shall be open for retail sales of farm crops and livestock during all hours that fee-based activities are offered.~~

~~(4) — The farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings or public entertainment.~~

~~(5) — The proposed farm stand shall meet the criteria in MCC 35.6315.~~

Section 10. MCC 33.6770, 34.6770, 35.6770 and 36.6770 are added as follows:

§ 33.6770 PURPOSES.

§ 34.6770 PURPOSES.

§ 35.6770 PURPOSES.

§ 36.6770 PURPOSES.

The purposes of these regulations are to limit the area, location, design, and function of farm stand promotional activities, events and farm gatherings to the extent allowed by law in order to retain a maximum supply of land in production for farm crops or livestock, to ensure public health and safety, to minimize impacts on nearby farming operations, residents, roads, traffic circulation, wildlife and other natural resources, and to maintain the rural character.

Section 11. MCC 33.6775 is added as follows:

§ 33.6775 DEFINITIONS.

As used in MCC 33.6770 through 33.6785, the following words shall have the following meaning:

Farm Crops or Livestock - Both fresh and processed farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area. “Processed farm crops and livestock” includes jams, syrups, apple cider, animal products and other similar farm crops and livestock that have been processed and converted into another product but not prepared food items.

Local Agricultural Area - Oregon or an adjacent county in Washington that borders Multnomah County.

Prepared Food Items - Food that has been prepared and is sold for immediate consumption.

Promotional Activity – A fee-based activity, gathering or event in conjunction with a farm stand that promotes the contemporaneous sale of farm crops or livestock from the farm stand and whose primary purpose is significantly and directly related to the farming operation. Permissible farm stand promotional activities include harvest festivals, corn mazes, hayrides, farm animal exhibits, small farm-themed gatherings such as birthday parties and picnics, school tours, musical entertainment (but not concerts), farm product food contests and food preparation demonstrations, and similar activities. Fee-based activities, such as weddings, corporate retreats, family reunions, anniversary gatherings, concerts, amusement park rides, sporting events and other activities for which the primary focus is the underlying cause for the gathering or activity rather than the farm operation and the sale of farm crops, are prohibited. Farm-to-plate meals can also be a promotional activity 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.

Section 12. MCC 34.6775 is added as follows:

§ 34.6775 DEFINITIONS.

As used in MCC 34.6770 through 34.6785, the following words shall have the following meaning:

Farm Crops or Livestock - Both fresh and processed farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area. “Processed farm crops and livestock” includes jams, syrups, apple cider, animal products and other similar farm crops and livestock that have been processed and converted into another product but not prepared food items.

Local Agricultural Area - Oregon or an adjacent county in Washington that borders Multnomah County.

Prepared Food Items - Food that has been prepared and is sold for immediate consumption.

Promotional Activity – A fee-based activity, gathering or event in conjunction with a farm stand that promotes the contemporaneous sale of farm crops or livestock from the farm stand and whose primary purpose is significantly and directly related to the farming operation. Permissible farm stand promotional activities include harvest festivals, corn mazes, hayrides, farm animal exhibits, small farm-themed gatherings such as birthday parties and picnics, school tours, musical entertainment (but not concerts), farm product food contests and food preparation demonstrations, and similar activities. Fee-based activities, such as weddings, corporate retreats, family reunions, anniversary gatherings, concerts, amusement park rides, sporting events and other activities for which the primary focus is the underlying cause for the gathering or activity rather than the farm operation and the sale of farm crops, are prohibited. Farm-to-plate meals can also be a promotional activity 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.

Section 13. MCC 35.6775 is added as follows:

§ 35.6775 DEFINITIONS.

As used in MCC 35.6770 through 35.6785, the following words shall have the following meaning:

Farm Crops or Livestock - Both fresh and processed farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area. “Processed farm crops and livestock” includes jams, syrups, apple cider, animal products and other similar farm crops and livestock that have been processed and converted into another product but not prepared food items.

Local Agricultural Area - Oregon or an adjacent county in Washington that borders Multnomah County.

Prepared Food Items - Food that has been prepared and is sold for immediate consumption.

Promotional Activity – A fee-based activity, gathering or event in conjunction with a farm stand that promotes the contemporaneous sale of farm crops or livestock from the farm stand and whose primary purpose is significantly and directly related to the farming operation. Permissible farm stand promotional activities include harvest festivals, corn mazes, hayrides, farm animal exhibits, small farm-themed gatherings such as birthday parties and picnics, school tours, musical entertainment (but not concerts), farm product food contests and food preparation demonstrations, and similar activities. Fee-based activities, such as weddings, corporate retreats, family reunions, anniversary gatherings, concerts, amusement park rides, sporting events and other activities for which the primary focus is the underlying cause for the gathering or activity rather than the farm operation and the sale of farm crops, are prohibited. Farm-to-plate meals can also be a promotional activity 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.

Section 14. MCC 36.6775 is added as follows:

§ 36.6775 DEFINITIONS.

As used in MCC 36.6770 through 36.6785, the following words shall have the following meaning:

Farm Crops or Livestock - Both fresh and processed farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area. “Processed farm crops and livestock” includes jams, syrups, apple cider, animal products and other similar farm crops and livestock that have been processed and converted into another product but not prepared food items.

Local Agricultural Area - Oregon or an adjacent county in Washington that borders Multnomah County.

Prepared Food Items - Food that has been prepared and is sold for immediate consumption.

Promotional Activity – A fee-based activity, gathering or event in conjunction with a farm stand that promotes the contemporaneous sale of farm crops or livestock from the farm stand and whose primary purpose is significantly and directly related to the farming operation. Permissible farm stand promotional activities include harvest festivals, corn mazes, hayrides, farm animal exhibits, small farm-themed gatherings such as birthday parties and picnics, school tours, musical entertainment (but not concerts), farm product food contests and food preparation demonstrations, and similar activities. Fee-based activities, such as weddings, corporate retreats, family reunions, anniversary gatherings, concerts, amusement park rides, sporting events and other activities for which the primary focus is the underlying cause for the gathering or activity rather than the farm operation and the sale of farm crops, are prohibited. Farm-to-plate meals can also be a promotional activity 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.

Section 15. MCC 33.6780, 34.6780, 35.6780 and 36.6780 are added as follows:

§ 33.6780 FARM STAND PERMITS.

§ 34.6780 FARM STAND PERMITS.

§ 35.6780 FARM STAND PERMITS.

§ 36.6780 FARM STAND PERMITS.

(A) A farm stand that occupies one acre or less, inclusive of parking area, ingress and egress driveways, product display area outside the farm stand structure, and has no promotional activities, shall be reviewed as a Type I permit.

(B) A farm stand that occupies more than one acre, inclusive of parking area, ingress and egress driveways, product display area outside the farm stand structure, or has one or more promotional activities, shall be reviewed as a Type II permit.

Section 16. MCC 33.6785 is added as follows:

§ 33.6785 STANDARDS FOR FARM STANDS.

(A) The farm stand is associated with and located on the same lot, parcel or tract as an active farm operation.

(1) Not more than one farm stand permit, whether Type I or Type II, shall be granted per farm tract.

(2) Not more than one Type II farm stand permit shall be granted where any Person has a financial or operational interest in more than one farm operation or in an farm operation occurring on more than one lot, parcel or tract. The prohibition in this paragraph applies, but is not limited, to those instances in which more than one legal entity has a financial or operational interest in the active farm stands described in this paragraph and one or more individuals has a financial or operational interest in such entities.

(B) One or more structures may be approved as part of the farm stand provided that such structures are designed and used for the sale of farm crops or livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area. Whether permanent or temporary, structures for banquets, public gatherings or public entertainment and structures designed or used for occupancy as a residence or for activity other than the sale of farm crops and livestock are prohibited.

(C) The sale of retail incidental items may occur in farm stand structures. Promotional activity shall occur outside of farm stand structures. The farm stand shall be open for retail sales of farm crops or livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, during the hours that promotional activity is offered.

(D) The annual gross revenue derived from the sale of retail incidental items and from fees collected for promotional activity, including sales made and fees collected by third parties, shall

not make up more than 25 percent of the total gross annual retail revenue of the farm stand. When taken together, the nature and extent of the farm stand promotional activity shall be reasonable in light of the 25 percent limitation set forth in this subsection in relation to the total gross annual retail revenue of the farm stand. On an annual, calendar-year basis, and prior to July 1 of each year, the farm stand operator shall submit a written statement prepared by a certified public accountant that certifies compliance with the 25 percent limitation set forth in this subsection for the previous tax year. The compliance statement required in this subsection shall be submitted on the form and in the manner directed by the County.

(E) The floor area of the retail area of all farm stand structures shall not exceed 1,500 square feet.

(F) The maximum land area occupied by farm stand structures and associated permanent parking shall be two acres.

(G) As compared to other alternatives, the siting of the farm stand, together with all associated structures, promotional activity areas, parking areas, and vehicular and pedestrian traffic circulation routes, or any part thereof, minimizes the amount of land area removed from the agricultural land base and, secondarily, minimizes interference with agricultural operations on adjacent lands.

(H) The amount of land used for promotional activity, including temporary parking, shall not exceed five percent or five acres of the property on which the farm stand is located, whichever is less, and is the minimum amount necessary to serve the promotional activity.

(I) Temporary parking for promotional activity may occur on high-value soils only if non-high-value soils are unavailable and the final harvest of the area to be used for temporary parking occurs prior to commencement of the temporary parking use or the area to be used for temporary parking was not farmed during the current growing season. The temporary parking area shall not be graveled or otherwise rendered unusable for agriculture in the following growing season and may not be permanently taken out of agricultural production in order to serve as a temporary parking area.

(1) No mud, dirt, rock or other debris from the temporary parking area shall be deposited upon a public road. If these materials are tracked onto a public road, the event operator shall be responsible for its immediate removal.

(J) There shall be no charge or fee collected for the parking of vehicles in either permanent or temporary parking areas. Permanent parking areas are to remain available for public parking during all hours that the farm stand is open to the public and may not be used for promotional activity or occupied by picnic tables, sales displays, or other structures that obstruct the parking use.

(K) No artificial amplification of sound shall occur before 9:00 AM or after 8:00 PM. At no time shall a promotional event generate noise above 60 dB(A) (decibels adjusted) at the property lines. (Note: The sound intensity of 60 decibels is comparable to conversations in a public place like a restaurant.)

(L) Farm stand signage shall comply with the applicable provisions of MCC 33.7400 through 33.7505.

(M) Exterior lighting shall be in compliance with the dark sky lighting standards of MCC 33.0570.

Section 17. MCC 34.6785 is added as follows:

§ 34.6785 STANDARDS FOR FARM STANDS.

(A) The farm stand is associated with and located on the same lot, parcel or tract as an active farm operation.

(1) Not more than one farm stand permit, whether Type I or Type II, shall be granted per farm tract.

(2) Not more than one Type II farm stand permit shall be granted where any Person has a financial or operational interest in more than one farm operation or in a farm operation occurring on more than one lot, parcel or tract. The prohibition in this paragraph applies, but is not limited, to those instances in which more than one legal entity has a financial or operational interest in the active farm stands described in this paragraph and one or more individuals has a financial or operational interest in such entities.

(B) One or more structures may be approved as part of the farm stand provided that such structures are designed and used for the sale of farm crops or livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area. Whether permanent or temporary, structures for banquets, public gatherings or public entertainment and structures designed or used for occupancy as a residence or for activity other than the sale of farm crops and livestock are prohibited.

(C) The sale of retail incidental items may occur in farm stand structures. Promotional activity shall occur outside of farm stand structures. The farm stand shall be open for retail sales of farm crops or livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, during the hours that promotional activity is offered.

(D) The annual gross revenue derived from the sale of retail incidental items and from fees collected for promotional activity, including sales made and fees collected by third parties, shall not make up more than 25 percent of the total gross annual retail revenue of the farm stand. When taken together, the nature and extent of the farm stand promotional activity shall be reasonable in light of the 25 percent limitation set forth in this subsection in relation to the total gross annual retail revenue of the farm stand. On an annual, calendar-year basis, and prior to July 1 of each year, the farm stand operator shall submit a written statement prepared by a certified public accountant that certifies compliance with the 25 percent limitation set forth in this subsection for the previous tax year. The compliance statement required in this subsection shall be submitted on the form and in the manner directed by the County.

(E) The floor area of the retail area of all farm stand structures shall not exceed 1,500 square feet.

(F) The maximum land area occupied by farm stand structures and associated permanent parking shall be two acres.

(G) As compared to other alternatives, the siting of the farm stand, together with all associated structures, promotional activity areas, parking areas, and vehicular and pedestrian traffic circulation routes, or any part thereof, minimizes the amount of land area removed from the agricultural land base and, secondarily, minimizes interference with agricultural operations on adjacent lands.

(H) The amount of land used for promotional activity, including temporary parking, shall not exceed five percent or five acres of the property on which the farm stand is located, whichever is less, and is the minimum amount necessary to serve the promotional activity.

(I) Temporary parking for promotional activity may occur on high-value soils only if non-high-value soils are unavailable and the final harvest of the area to be used for temporary parking occurs prior to commencement of the temporary parking use or the area to be used for temporary parking was not farmed during the current growing season. The temporary parking area shall not be graveled or otherwise rendered unusable for agriculture in the following growing season and may not be permanently taken out of agricultural production in order to serve as a temporary parking area.

(1) No mud, dirt, rock or other debris from the temporary parking area shall be deposited upon a public road. If these materials are tracked onto a public road, the event operator shall be responsible for its immediate removal.

(J) There shall be no charge or fee collected for the parking of vehicles in either permanent or temporary parking areas. Permanent parking areas are to remain available for public parking during all hours that the farm stand is open to the public and may not be used for promotional activity or occupied by picnic tables, sales displays, or other structures that obstruct the parking use.

(K) No artificial amplification of sound shall occur before 9:00 AM or after 8:00 PM. At no time shall a promotional event generate noise above 60 dB(A) (decibels adjusted) at the property lines. (Note: The sound intensity of 60 decibels is comparable to conversations in a public place like a restaurant.)

(L) Farm stand signage shall comply with the applicable provisions of MCC 34.7400 through 34.7505.

(M) Exterior lighting shall be in compliance with the dark sky lighting standards of MCC 34.0570.

Section 18. MCC 35.6785 is added as follows:

§ 35.6785 STANDARDS FOR FARM STANDS.

(A) The farm stand is associated with and located on the same lot, parcel or tract as an active farm operation.

(1) Not more than one farm stand permit, whether Type I or Type II, shall be granted per farm tract.

(2) Not more than one Type II farm stand permit shall be granted where any Person has a financial or operational interest in more than one farm operation or in an farm operation occurring on more than one lot, parcel or tract. The prohibition in this paragraph applies, but is not limited, to those instances in which more than one legal entity has a financial or operational interest in the active farm stands described in this paragraph and one or more individuals has a financial or operational interest in such entities.

(B) One or more structures may be approved as part of the farm stand provided that such structures are designed and used for the sale of farm crops or livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area. Whether permanent or temporary, structures for banquets, public gatherings or public entertainment and structures designed or used for occupancy as a residence or for activity other than the sale of farm crops and livestock are prohibited.

(C) The sale of retail incidental items may occur in farm stand structures. Promotional activity shall occur outside of farm stand structures. The farm stand shall be open for retail sales of farm crops or livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, during the hours that promotional activity is offered.

(D) The annual gross revenue derived from the sale of retail incidental items and from fees collected for promotional activity, including sales made and fees collected by third parties, shall not make up more than 25 percent of the total gross annual retail revenue of the farm stand. When taken together, the nature and extent of the farm stand promotional activity shall be reasonable in light of the 25 percent limitation set forth in this subsection in relation to the total gross annual retail revenue of the farm stand. On an annual, calendar-year basis, and prior to July 1 of each year, the farm stand operator shall submit a written statement prepared by a certified public accountant that certifies compliance with the 25 percent limitation set forth in this subsection for the previous tax year. The compliance statement required in this subsection shall be submitted on the form and in the manner directed by the County.

(E) The floor area of the retail area of all farm stand structures shall not exceed 1,500 square feet.

(F) The maximum land area occupied by farm stand structures and associated permanent parking shall be two acres.

(G) As compared to other alternatives, the siting of the farm stand, together with all associated structures, promotional activity areas, parking areas, and vehicular and pedestrian traffic circulation routes, or any part thereof, minimizes the amount of land area removed from the agricultural land base and, secondarily, minimizes interference with agricultural operations on adjacent lands.

(H) The amount of land used for promotional activity, including temporary parking, shall not exceed five percent or five acres of the property on which the farm stand is located, whichever is less, and is the minimum amount necessary to serve the promotional activity.

(I) Temporary parking for promotional activity may occur on high-value soils only if non-high-value soils are unavailable and the final harvest of the area to be used for temporary parking occurs prior to commencement of the temporary parking use or the area to be used for temporary parking was not farmed during the current growing season. The temporary parking area shall not be graveled or otherwise rendered unusable for agriculture in the following growing season and may not be permanently taken out of agricultural production in order to serve as a temporary parking area.

(1) No mud, dirt, rock or other debris from the temporary parking area shall be deposited upon a public road. If these materials are tracked onto a public road, the event operator shall be responsible for its immediate removal.

(J) There shall be no charge or fee collected for the parking of vehicles in either permanent or temporary parking areas. Permanent parking areas are to remain available for public parking during all hours that the farm stand is open to the public and may not be used for promotional activity or occupied by picnic tables, sales displays, or other structures that obstruct the parking use.

(K) No artificial amplification of sound shall occur before 9:00 AM or after 8:00 PM. At no time shall a promotional event generate noise above 60 dB(A) (decibels adjusted) at the property lines. (Note: The sound intensity of 60 decibels is comparable to conversations in a public place like a restaurant.)

(L) Farm stand signage shall comply with the applicable provisions of MCC 35.7400 through 35.7505.

(M) Exterior lighting shall be in compliance with the dark sky lighting standards of MCC 35.0570.

Section 19. MCC 36.6785 is added as follows:

§ 36.6785 STANDARDS FOR FARM STANDS.

(A) The farm stand is associated with and located on the same lot, parcel or tract as an active farm operation.

(1) Not more than one farm stand permit, whether Type I or Type II, shall be granted

per farm tract.

(2) Not more than one Type II farm stand permit shall be granted where any Person has a financial or operational interest in more than one farm operation or in an farm operation occurring on more than one lot, parcel or tract. The prohibition in this paragraph applies, but is not limited, to those instances in which more than one legal entity has a financial or operational interest in the active farm stands described in this paragraph and one or more individuals has a financial or operational interest in such entities.

(B) One or more structures may be approved as part of the farm stand provided that such structures are designed and used for the sale of farm crops or livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area. Whether permanent or temporary, structures for banquets, public gatherings or public entertainment and structures designed or used for occupancy as a residence or for activity other than the sale of farm crops and livestock are prohibited.

(C) The sale of retail incidental items may occur in farm stand structures. Promotional activity shall occur outside of farm stand structures. The farm stand shall be open for retail sales of farm crops or livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, during the hours that promotional activity is offered.

(D) The annual gross revenue derived from the sale of retail incidental items and from fees collected for promotional activity, including sales made and fees collected by third parties, shall not make up more than 25 percent of the total gross annual retail revenue of the farm stand. When taken together, the nature and extent of the farm stand promotional activity shall be reasonable in light of the 25 percent limitation set forth in this subsection in relation to the total gross annual retail revenue of the farm stand. On an annual, calendar-year basis, and prior to July 1 of each year, the farm stand operator shall submit a written statement prepared by a certified public accountant that certifies compliance with the 25 percent limitation set forth in this subsection for the previous tax year. The compliance statement required in this subsection shall be submitted on the form and in the manner directed by the County.

(E) The floor area of the retail area of all farm stand structures shall not exceed 1,500 square feet.

(F) The maximum land area occupied by farm stand structures and associated permanent parking shall be two acres.

(G) As compared to other alternatives, the siting of the farm stand, together with all associated structures, promotional activity areas, parking areas, and vehicular and pedestrian traffic circulation routes, or any part thereof, minimizes the amount of land area removed from the agricultural land base and, secondarily, minimizes interference with agricultural operations on adjacent lands.

(H) The amount of land used for promotional activity, including temporary parking, shall not exceed five percent or five acres of the property on which the farm stand is located, whichever is

less, and is the minimum amount necessary to serve the promotional activity.

(I) Temporary parking for promotional activity may occur on high-value soils only if non-high-value soils are unavailable and the final harvest of the area to be used for temporary parking occurs prior to commencement of the temporary parking use or the area to be used for temporary parking was not farmed during the current growing season. The temporary parking area shall not be graveled or otherwise rendered unusable for agriculture in the following growing season and may not be permanently taken out of agricultural production in order to serve as a temporary parking area.

(1) No mud, dirt, rock or other debris from the temporary parking area shall be deposited upon a public road. If these materials are tracked onto a public road, the event operator shall be responsible for its immediate removal.

(J) There shall be no charge or fee collected for the parking of vehicles in either permanent or temporary parking areas. Permanent parking areas are to remain available for public parking during all hours that the farm stand is open to the public and may not be used for promotional activity or occupied by picnic tables, sales displays, or other structures that obstruct the parking use.

(K) No artificial amplification of sound shall occur before 9:00 AM or after 8:00 PM. At no time shall a promotional event generate noise above 60 dB(A) (decibels adjusted) at the property lines. (Note: The sound intensity of 60 decibels is comparable to conversations in a public place like a restaurant.)

(L) Farm stand signage shall comply with the applicable provisions of MCC 36.7400 through 36.7505.

(M) Exterior lighting shall be in compliance with the dark sky lighting standards of MCC 36.0570.

Section 20. MCC 33.4180, 34.4180, 35.4180 and 36.4180 are amended as follows:

§ 33.4180 IMPROVEMENTS.
§ 34.4180 IMPROVEMENTS.
§ 35.4180 IMPROVEMENTS.
§ 36.4180 IMPROVEMENTS.

(A) Surfacing

(1) Except as otherwise provided in this section, all areas used for parking, loading or maneuvering of vehicles, including the driveway, shall be surfaced with at least two inches of blacktop on a four inch crushed rock base or at least six inches of Portland cement, unless a design providing additional load capacity is required by the fire service provider, building official or County Engineer, as applicable.

* * *

- (3) Notwithstanding paragraph (A)(1) of this section, parking fields for intermittent uses such as special events associated with ~~farm stands and~~ public parks, sporting events, and the like may be surfaced with gravel, grass or both and spaces may be unmarked if the parking of vehicles is supervised. Grass fields used for parking shall be maintained so that grass is kept short and watered to minimize fire risk and reduce dust.

FIRST READING: _____

SECOND READING AND ADOPTION: _____

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Deborah Kafoury, Chair

REVIEWED:

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

By _____
Jed Tomkins, Senior Assistant County Attorney

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