

**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 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 EFU 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. Public testimony at the 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.
- d. The Planning Commission held two work sessions on the proposals. 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 to individual property owners consistent with ORS 215.503 (commonly referred to as “Ballot Measure 56 notice”).

- e. 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 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 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 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 Planning Director. All event parking shall be accommodated on the tract; off-tract parking is prohibited.
- (2) 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 the property lines. (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 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 Planning Director. All event parking shall be accommodated on the tract; off-tract parking is prohibited.
 - (2) 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 the property lines. (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 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:

(1) Within the EFU 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 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 Planning Director. All event parking shall be accommodated on

the tract; off-tract parking is prohibited.

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

(2) 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. (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: _____

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 _____
Katherine Thomas, Assistant County Attorney

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