



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(Revised: Feb. 2017)

APPROVED: MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R.2 DATE 6/29/17
MARINA BAKER, ASST BOARD CLERK

Board Clerk Use Only

Meeting Date: 6/29/17
Agenda Item #: R.2
Est. Start Time: 10:40 am approx.
Date Submitted: 6/15/17

**Agenda Title: First Reading of Ordinance Amending MCC Chapters 33, 34, 35, and 36
Relating to Farm Stands**

Requested Meeting: June 29, 2017 **Time Needed:** 20 minutes

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

Contact(s): Michael Cerbone, Planning Director

Phone: 503.988.0218 **Ext.:** 80218 **Email:** michael.cerbone@multco.us

Presenters: Michael Cerbone, Planning Director

General Information

1. What action are you requesting from the Board?

Conduct a public hearing and approve proposed ordinance.

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.

If adopted, this ordinance will implement policies recently adopted by the Board through adoption of the County's Comprehensive Plan in 2016, including, but not limited to, Policies 3.17 through 3.20 ("Policies").

Under current County Code, farm stands are authorized in all Exclusive Farm Use zones (EFU) and in the following zones of the East of Sandy River Rural Plan Area: Multiple Use Agriculture (MUA-20), Rural Residential (RR), and Springdale Rural Center (SRC).

The "farm stand" use may be comprised of retail space and associated structures as well as fee-based promotional activity.

The Policies call for amendment of current code to 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.

Accordingly, this ordinance clarifies limits on the nature, scope and extent of farm stands, or more particularly, farm stand retail and promotional activities.

Lastly, based on testimony received during the public proceedings before the Planning Commission, the Planning Commission has recommended removing the farm stand use

from all zones other than the EFU as this degree of commercial activity no longer appears appropriate for zones where farming is not the primary focus.

In summary, this ordinance:

- Removes farm stands as a conditional use in those zones East of Sandy River where it is currently listed -- Chapter 35 MUA-20, RR, and SRC
- Adds a definition of "promotional activity" to clarify what qualifies and what does not.
- Establishes tiered permit requirements based on the size of the farm stand operation or the inclusion of promotional activity as part of the farm stand operation.
- Sets a maximum area of 1,500 s.f. for all farm stand structures.
- Sets two acres as the maximum land area that can be occupied by farm stand structures and associated permanent parking.
- Limits the area that can be used for promotional activity, including temporary parking area, to five acres or five percent of the farm stand property, whichever is less.
- Prohibits gravel surfacing of temporary parking areas or to be otherwise rendered unusable for agriculture.
- Limits amplified sound at promotional events to the hours of 9:00 AM to 8:00 PM.
- Requires farm stand operators to submit an annual financial report that certifies compliance with the 25% sales limitation for incidental items and promotional activity.
- Amends the Off-Street Parking section of the code to remove "farm stands" as a specific use or activity where temporary field parking may be surfaced with gravel.

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

None.

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

Farm stands are authorized by state law. The extent to which the County may impose the siting regulations set forth in this ordinance is an "open question," meaning the issue is known to, but has not yet been decided by, the courts. As part of the proceedings to adopt the Comprehensive Plan in 2016, certain constituents asked the Board to take this step and the Board agreed to do so.

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

Farm stands were a major discussion topic in the Sauvie Island/Multnomah Channel (SIMC) Rural Area Plan meetings because of the number and scale of farm stand promotional events already being held on Sauvie Island and their impacts on residents of the island. The SIMC advisory committee crafted farm stand policies in an attempt to balance the preservation of farm land with the benefits of encouraging the farm stand use. The Community Advisory Committee that worked on the Comprehensive Plan update discussed farm stands in the broader context of all Multnomah County and decided to apply the policies from the SIMC plan to the County as a whole. Those policies drive the zoning amendments that are the subject of this ordinance.

The Planning Commission held two work sessions on the proposals. 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 evaluate additional information before final deliberation and decision. 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, prior to the 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).

Required Signature

**Elected
Official or
Department
Director:**

Kim Peoples /s/

Date:

June 15, 2017