

Memorandum

Comprehensive Plan Update

May 20, 2015

To: Farm, Forest and Rural Economy Subcommittee
Cc: Project Team
From: Rich Faith, Senior Land Use Planner
Re: Farm, Forest and Rural Economy Policy Recommendations

FARM, FOREST AND RURAL ECONOMY POLICIES

This memo presents proposed policies and strategies related to farm and forest topics discussed by the Farm/Forest and Rural Economy Subcommittee at its March 4 and/or April 1 meetings. The subcommittee must decide whether to recommend these proposed policies to the CAC.

HOME OCCUPATIONS

The subcommittee has reviewed and discussed statutory and county regulations on home occupations. The subcommittee concluded that because the County's home occupation provisions were evaluated and updated just a few years ago, there is no need to change home occupations regulations. The subcommittee did not have any policy language to recommend, but staff believes the comprehensive plan should include a very general home occupation policy. Therefore, staff proposes the following for the subcommittee's approval.

New Policy: Allow for home occupations wherever dwellings are permitted in order to assist in developing new business opportunities and to increase convenience to residents.

FARM DWELLINGS

The following three policy options (A1-A3) addressing Exclusive Farm Use (EFU) zoning were provided to both the subcommittee and CAC for their April 1, 2015 meetings. The subcommittee and the CAC discussed these options and determined a preference for A3, which supports applying more restrictions in the EFU zone than the minimum requirements of state law. The both committees liked aspects of each of the various rural plan area policies listed under A3 and felt one or more policies should be drafted that captures the best of these.

Original Policy Options

- A1. Apply Exclusive Farm Use zoning that is consistent with state law. or
A2. Apply Exclusive Farm Use zoning that meets, but does not exceed, the minimum requirements of state law. or

- A3. Allow non-agricultural uses, such as residences, on Exclusive Farm Use Lands as permitted by Oregon Administrative Rules, with additional development standards and lot aggregation requirements to ensure public safety, public health and welfare, and protection of natural and environmental resources. (WH)
- Continue to require approval of dwellings and other development to be contingent upon compliance with Lot of Record standards as contained in the existing EFU zoning code. (WSR)
 - ~~Include provisions in the zoning code that~~ Limit new non-agricultural uses, and expansion of existing non-agricultural uses, in both type and scale to serve the needs of the local rural area. This will result in a farm protection program for the area County that is more restrictive than what state statutes and rules require. (WSR)
 - ~~Maintain existing exclusive farm use designated areas as farm lands and p~~Prohibit parcelization which detracts from continued agricultural practices and incidental protection of open space and rural community values. (ESR)

Proposed Policies on EFU Zone Dwellings for Subcommittee Approval

- 1. Allow non-agricultural uses, such as residences, on Exclusive Farm Use Lands as permitted by Oregon Administrative Rules, with additional development standards and lot aggregation requirements to ensure protection of agricultural lands and natural and environmental resources. This will result in a farm protection program for the County that is more restrictive than what state statutes and rules require.**
- 2. Continue to require approval of dwellings and other development to be contingent upon compliance with Lot of Record standards as contained in the existing EFU zoning code.**
- 3. Prohibit parcelization which detracts from continued agricultural practices and incidental protection of open space and rural community values.**

FARM STANDS

The subcommittee discussed farm stands at its March 4 meeting and agreed that whatever policy comes out of the Sauvie Island/Multnomah Channel (SIMC) Rural Area Plan update should serve as the model for the County Comprehensive Plan. Although the SIMC plan has not yet been adopted, the following policy language pertaining to farm stands has been endorsed by the Planning Commission and is expected to be their recommendation for adoption by the Board of County Commissioners.

Policy 1.3 from Proposed Sauvie Island/ Multnomah Channel Rural Area Plan

Develop and adopt a tiered review process for farm stand operations on EFU land distinguishing between operations that include promotional activities and those that do not. Farm stands that occupy one acre or less (including parking) and do not include promotional activities or events shall be reviewed through the County's Type I process, based on objective standards. Farm

stands that occupy more than one acre or include promotional events or activities shall be reviewed under the County's Type II application process. Until implementing code is adopted, the following shall apply:

(a) Until implementing code is adopted, proposed farm stands that would occupy more than one acre or include promotional events or activities shall be sited in order to limit the overall amount of acreage proposed for the farm stand structures and events consistent with the following standards:

(1) The amount of land identified for the farm stand structures and associated permanent parking shall not exceed two acres.

(2) The amount of land identified for farm stand promotional activities shall be the minimum necessary to accomplish the objective of supporting farming operations on the property. Absent compelling need for additional area, the area identified for promotional events, including corn mazes and event parking, shall not exceed five percent or five acres of the property on which the farm stand is located, whichever is less.

(3) An applicant may seek approval to accommodate temporary parking on additional acreage during September and October of a calendar year on areas that have already been harvested or used for pasture during the current growing season. The temporary parking area shall not be graveled or otherwise rendered less productive for agricultural use in the following year.

(4) An applicant owning or leasing multiple properties in farm use on Sauvie Island shall be limited to only one Type II farm stand.

(5) Multnomah County may require consideration of alternative site plans that use less agricultural land or interfere less with agricultural operations on adjacent lands.

(6) Farm stand signage shall comply with county sign ordinance standards to maintain and complement the rural character of the island.

Policy 1.8 from Proposed Sauvie Island/ Multnomah Channel Rural Area Plan

Fee-based promotional activities at farm stands shall be limited to those that promote the contemporaneous sale of farm crops or livestock at the farm stand and whose primary purpose is significantly and directly related to the farming operation.

(a) Permitted farm stand promotional activities include harvest festivals, farm-to-plate dinners, corn mazes, hayrides, farm animal exhibits, cow trains, small farm-themed gatherings such as birthday parties and picnics, school tours, musical acts, farm product food contests and food preparation demonstrations, and similar activities consistent with this policy.

(b) Unless authorized at farm stands by statute, administrative rule or an appellate land use decision, fee-based weddings, corporate retreats, family reunions, anniversary gatherings, concerts, and amusement park rides, and other activities for which the primary focus is on the underlying cause for the gathering or activity rather than the farm operation, are prohibited.

Consistent with the subcommittee's earlier position, staff proposes that these farm stand policies serve as the basis for countywide policies to be included in the Comprehensive Plan.

FOREST DWELLINGS

The subcommittee has not yet discussed policies pertaining to forest dwellings. The following options for new policies (A1- A3) and options of existing policies in various rural area plans (B1- B3) were presented to the subcommittee at its April 1 meeting.

- A1. Apply Commercial Forest Use zoning that is consistent with state law. or
 - A2. Apply Commercial Forest Use zoning that meets, but does not exceed, the minimum requirements of state law. or
 - A3. Allow non-forest uses, such as residences, on Commercial Forest Use Lands as permitted by Oregon Administrative Rules, lot aggregation requirements and other development standards that exceed minimum state requirements to better ensure public safety, public health and welfare, and protection of natural and environmental resources.
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- B1. Allow new dwellings and other development on lands designated for commercial forest use consistent with state requirements and ~~will be permitted~~ only when upon demonstration that they will have no significant impact upon farm or forest management. (WSR) or
 - B2. Allow new dwellings on lands designated for commercial forest use only when it can be demonstrated that they will have no significant impact upon forestry practices, open space, public facilities, wildlife habitat, and rural community character. (ESR) or
 - B3. Allow non-forestry related uses, such as residences, on ~~CFU-2~~ Commercial Forest Use Lands as follows:
 - a. dwellings on 160 acre tracts or 200 acre non-contiguous tracts.
 - b. dwellings on existing lots of record owned continuously by the current owner or antecedents of the current owner since 1985 which are capable of producing less than 5,000 cubic feet per year of commercial timber.
 - c. dwellings on existing lots of record which contain at least eleven existing lots and five existing dwellings within a 160 acre square template centered on the lot of record containing the proposed dwelling.
 - d. all dwellings potentially authorized under any of these conditions must meet additional development standards and lot aggregation requirements to ensure public safety, public health and welfare, and protection of natural and environmental resources. (WH)

Consistent with the subcommittee's recommended policy on farm dwellings, staff proposes options A3 and B3 as recommended policies on forest dwellings.