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Date: November 23, 2016  
To: Multnomah County Planning Commission  
From: Rich Faith, Senior Long-range Planner  
Subject: December 5, 2016 Planning Commission Work Session on Zoning Code  
Amendments Pertaining to Agri-Tourism, Farm Stands, and Wineries

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The purpose of this work session is to inform the Planning Commission of draft amendments to the County Zoning Code to implement policies pertaining to agri-tourism, farm stands and wineries in the recently adopted County Comprehensive Plan. These three specific uses are permitted by statute in the Exclusive Farm Use (EFU) zone. They have a connection to one another in that each use also allows for promotional events and activities that are related to and supportive of agriculture.

These amendments establish guidelines and standards for the conduct of agri-tourism events ancillary to a farm operation and for the conduct of other commercial activities in conjunction with farms stands and wineries. These agricultural promotional activities and events can be referred to collectively as agritainment.

### **Agri-Tourism**

Agri-tourism is a catchall term for promotional events and activities that are related to and supportive of the agriculture being conducted on a farm. Agri-tourism activities can be held in conjunction with farms stands and wineries, or can take place on farms without a farm stand or winery.

Provisions for stand-alone agri-tourism were established by state legislation in 2011 (ORS 215.283(4)). The “agri-tourism” statute provides opportunities for the review and approval of from one to 18 events per year in EFU zones. The provisions require that these events be “incidental and subordinate to existing farm use on the tract” and can occur outdoors and within temporary or existing permanent structures. They permit a County to regulate transportation issues (access, egress, parking and traffic management), hours of operation, sanitation, solid waste and other matters related to the conduct of agri-tourism. Furthermore, they authorize the County to adopt its own regulations in addition to those under ORS 215.283(4). These provisions are very specific and can provide a means for the County, landowners and neighbors to address concerns for events not permitted at farm stands and wineries.

Agri-tourism was discussed by the Community Advisory Committee that worked on the 2015 Sauvie Island/Multnomah Channel Rural Area Plan. Because of the proliferation of agritainment events already being held by several farm stands on Sauvie Island, the advisory committee did not want to encourage more of these events beyond those already allowed as part of a farm stand. The committee recommended a policy that the agri-tourism provisions of ORS chapter

215 not be adopted due to the island's limited road infrastructure and already high visitation levels. This policy remained in the adopted SIMC Rural Area Plan.

The Community Advisory Committee (CAC) for the County Comprehensive Plan update also discussed agri-tourism and whether the policy in the SIMC Plan should be applied countywide. After considerable debate on this question, the CAC decided that in addition to Sauvie Island, the agri-tourism provisions should also not be adopted for the West Hills rural area. Comprehensive Plan policy calls for adoption of agri-tourism provisions in East Multnomah County – both the West of Sandy and East of Sandy rural areas – but with strict standards to minimize impacts to surrounding properties.

The draft amendments pertaining to agri-tourism are consistent with the Comprehensive Plan policy which calls for approval standards that are more restrictive than what state law allows. The one strategy in the Comprehensive Plan for implementing this policy requires the County to involve interested members of the CAC when preparing code amendments. East County CAC members met twice to provide input on these agri-tourism provisions. The proposed code amendments reflect the opinions expressed by those CAC members.

#### *Question for the Planning Commission*

1. Should agri-tourism also be listed as a use in the MUA-20 zone in the East County area? The Comp Plan policy is specific to EFU but there is nothing to preclude the County from including it in MUA-20 if it makes sense to do so.

#### **Farm Stands**

1993 legislation added farm stands to the list of allowed uses in the EFU zone with additions in 2001 to allow limited agricultural promotional activities as well. Although a County cannot prohibit a farm stand, it may adopt local siting and design standards regulating the use, particularly with respect to permissible promotional activities.

Statutory Provisions -- ORS 215.283(1) (o):

*A farm stand may be approved if: "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 activities 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 annual sales of the farm stand; and*

*"The farm stand does not include structures designed for occupancy as a residence or for activity other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings or public entertainment."*

LCDC amended its farm zone rules in 2004 in order to clarify two things: (1) that "processed" crops and livestock grown on the farm operation or from other farm operations in the local agricultural area may be sold at farm stands along with fresh crops and livestock and are not a more limited "retail incidental item," and (2) that farm products from throughout Oregon may be sold.

Farm stands were a major topic in the SIMC Rural Area Plan meetings primarily due to the number and scale of commercial agritainment events that are held by the farm stands on the Island and the impacts of these events to other residents of the Island. In an attempt to reign in these agritainment events, the SIMC Plan included detailed policies that established standards for farm stand operations. These standards include a tiered review process depending on the size and whether or not promotional activities are held. The standards also clarify what types of farm related promotional activities may be sponsored by a farm stand.

Farm stand policies from the SIMC Rural Area Plan were carried over to the County Comprehensive Plan and modified slightly to apply countywide. The draft zoning code amendments pertaining to farm stands are consistent with these policies, which are quite prescriptive in the standards that would be applied to farm stands.

### **Wineries**

Wineries have been a listed permitted farm use for many years, but statutory regulations relating to agri-tourism and other commercial events at wineries were added in 2011 and 2013. These regulations expanded the list of allowable activities that wineries can conduct, which are generally more permissive than the agri-tourism legislation allows.

Because there are only a few small wineries in rural Multnomah County, they did not receive the attention that farm stands and agri-tourism received when developing Comprehensive Plan policies. However, the CAC decided that the policy on farm stands served as a good model to apply to winery operations as well and so the Plan policy on wineries is quite similar to that on farm stands. Although the policy on wineries mirrors that for farm stands, the actual code provisions deviate significantly because of the winery statute.

### *Questions for the Planning Commission*

1. State law does not set attendance limits at winery events. What limits, if any, should Multnomah County place on these events?
2. Similar to the farm stand amendments, should a limit be placed on the land area that can be used for winery-related agri-tourism events?

### **Attachments**

- A. Comprehensive Plan policies pertaining to Agri-tourism, Farm Stands, and Wineries
- B. Draft Agri-tourism Code Amendments
- C. Draft Farm Stand Code Amendments
- D. Draft Winery Code Amendments