

## DRAFT AGRI-TOURISM CODE AMENDMENTS

**[NOTE:** All of the following text is new language. Per Comprehensive Plan policies 3.22, 3.24, 3.26 and 3.28, these amendments would only be made to Chapter 35, East of Sandy River Rural Planning Area, and Chapter 36, West of Sandy River Rural Planning Area.]

Underlined text is an addition to the December 5, 2016 work session draft.  
~~Strikethrough~~ text is being deleted from the previous work session draft.

### §35.0005 DEFINITIONS.

**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 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, tasting farm products; learning about farm or ranch operations; or other similar events and activities relating to the farm uses on that farm. Agri-tourism does not include commercial events or activities that are not incidental to the existing farm use and do not directly 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 gathering or activity rather than the farm operation.

~~**Tract** -- One or more contiguous lots or parcels in the same ownership.~~

### ***EXCLUSIVE FARM USE (EFU) ZONING DISTRICT***

#### §35.2620 ALLOWED USES

(AB) A single, one-day agri-tourism event subject to MCC 35.6805 ~~and 35.6815~~.

#### §35.2625 REVIEW USES

(S) Agri-tourism events subject to MCC 35.6810 ~~and 35.6815~~.

### **MIXED USE AGRICULTURAL (MUA - 20)**

#### §35.2820 ALLOWED USES

(L) A single, one-day agri-tourism event subject to MCC 35.6805.

***AGRI-TOURISM***

**§35.6805 STANDARDS FOR A SINGLE, ONE-DAY EVENT**

Subject to a Type I approval process, the Planning Director may issue a single, one-day permit per calendar year for an agri-tourism event meeting the following standards:

(A) Minimum Tract Size: The agri-tourism event is held on a farm tract that is ten acres or larger in size. The event may be held on a farm tract that is less than ten acres but not less than five acres in size if the event organizer obtains written permission from all property owners on contiguous properties and submits evidence of their written permission as part of the event application.

(B) Maximum Attendance: Attendance shall not exceed 20 total attendees and 20 total vehicles.

(C) Parking and Traffic Control: A parking and traffic control plan has been submitted with the application and has been approved by the Planning Director. The plan must clearly show how parking for the event will be accommodated on the site and how off-site traffic management will be handled, if traffic management for the event is deemed necessary by the County Engineer.

(D) Temporary Structures: Temporary structures are allowed in conjunction with the event provided the structures 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 ~~7:00~~ 9:00 AM and shall conclude no later than 9:00 PM. No guest vehicle may arrive prior to ~~7:00~~ 8:30 AM or depart later than ~~9:00~~ 9:30 PM on the day of the event to have satisfied this requirement.

(F) Noise: No artificial amplification of sound shall occur before ~~8~~ 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 (Dark Sky Compliant).

(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 event site for use by attendees of the event.

(I) Solid Waste: An explanation for handling solid waste generated by the event shall be submitted with the application and shall be approved by the Planning Director.

(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 property where the event occurs. The sign may be a double faced sign and can only be displayed on the day of the event. Off-premise signs, either placed in the public right-of-way or on adjacent properties, are prohibited.

(K) Camping is prohibited.

(L) Inspection of Event: The event shall be open to inspection by law enforcement, public health, fire control and code enforcement agency 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 property. Approval of the agri-tourism event permit is personal to the business operator and specific to the authorized premises. The permit terminates automatically, immediately and without notification if the farm operator ceases to farm the authorized premises or no longer has control of the property as its owner or lessee.

(N) The issuance of a permit is only for a one-time, one-day event in any calendar year. A new permit is required for an event in each calendar year.

(O) 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.

~~(P) Modifications: The Planning Director may approve minor modifications to the approved permit and the conditions of approval without the need for a new 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;~~
- ~~(3) Does not increase the impact to surrounding properties.~~

#### §35.6810 STANDARDS FOR OTHER AGRI-TOURISM EVENTS

Subject to a Type II approval process, the Planning Director may approve a permit for up to six one-day agri-tourism events on a tract of land within a calendar year, subject to the following standards:

(A) Minimum Tract Size: The agri-tourism events are held on a farm tract that is five acres or larger in size.

(B) Maximum Attendance: Attendance shall not exceed 50 total attendees and 35 total vehicles per event.

(C) Parking and Traffic Control: A parking and traffic control plan has been submitted with the application and has been approved by the Planning Director. The plan must clearly show how parking for the event(s) will be accommodated on the site and how off-site traffic management will be handled, if traffic management for the event is deemed necessary by the County Engineer.

(D) Temporary Structures: Temporary structures are allowed in conjunction with the event(s) provided the structures 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(s) shall begin no earlier than ~~7:00~~ 9:00 AM and shall conclude no later than 9:00 PM. No guest vehicle may arrive prior to ~~7:00~~ 8:30 AM or depart later than ~~9:00~~ 9:30 PM on the day of the event to have satisfied this requirement

(F) Noise: No artificial amplification of sounds shall occur before 8 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 event shall comply with MCC 35.4185 and MCC 35.0570 (Dark Sky Compliant).

(H) Sanitation Facilities: A restroom located in an existing permanent structure or a portable restroom facility with a hand washing station shall be provided for use by attendees of the event.

(I) Solid Waste: A plan for handling solid waste generated by the event shall be submitted with the application and shall be approved by the Planning Director.

(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 property where the event occurs. The sign may be a double faced sign and shall only be displayed on the day of the event(s). Off-premise signs, either placed in the public right-of-way or on adjacent properties, are prohibited.

(K) In order to approve the permit application, findings must be made that the agri-tourism event will not:

- (1) Has as its primary focus the farm operation rather than the underlying cause of the activity or gathering; and
- (2) Significantly and directly relates to and supports the farm operation; and
- (43) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
- (24) Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

(L) Camping is prohibited.

(M) Inspection of Event: The event shall be open to inspection by law enforcement, public health, fire control and code enforcement agency 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 property. Approval of the agri-tourism event permit is personal to the business operator and specific to the authorized premises. The permit terminates automatically, immediately and without notification if the farm operator ceases to farm the authorized premises or no longer has control of the property as its owner or lessee.

(O) Permit Duration and Application Period: The first agri-tourism permit issued to the farm operator is limited to one calendar-year period. After the first calendar-year period of agri-tourism events approved under this section and conducted in compliance with the permit for such events, subsequent annual 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.

#### ~~§35.6815 — ELEMENTS OF THE APPLICATION~~

~~An agri-tourism event application shall include:~~

- ~~(A) A written description of the type of farm operation that exists on the subject tract;~~
- ~~(B) A written description of the type of agri-tourism event to be held, when it is to be held, and how it relates to and is supportive of the farm use on the tract; and~~
- ~~(C) A plan, drawn to scale, of the subject tract, including the existing buildings, agricultural fields or layout, temporary buildings, parking, restroom facilities, and where the various event activities will take place.~~
- ~~(D) Other such materials as the Planning Director deems necessary to assist in the review and assessment of the agri-tourism event.~~