

FARM STAND AMENDMENTS

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New text being added is **bold underline**.

EFU Review Uses in Chapters 33, 34, 35, and 36

§ 33.2625 REVIEW USES

§ 34.2625 REVIEW USES

§ 35.2625 REVIEW USES

§ 36.2625 REVIEW USES

.....

(G) ~~A farm stand~~ when found that **subject to 33(34,35,36).6750 through .6765**

~~(1) 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 activity 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 sales of the farm stand; and~~

~~(2) The farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings or public entertainment.~~

~~(3) As used in this section, "farm crops or livestock" includes both fresh and processed farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area. As used in this subsection, "processed crops and livestock" includes jams, syrups, apple cider, animal products and other similar farm crops and livestock that have been processed and converted into another product but not prepared food items.~~

~~(4) As used in this section, "local agricultural area" includes Oregon or an adjacent county in Washington that borders Multnomah County.~~

Chapter 35 –East of Sandy -- Conditional Uses in MUA-20, RR and SRC.

§ 35.2830 *CONDITIONAL USES IN MUA-20*

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(F) A farm stand subject to MCC 35.6750 ~~and MCC 35.6760~~ **through 35.6765 and provided that the parcel on which the farm stand is located has road frontage on the Historic Columbia River Highway (Highway) or has road frontage on a County maintained road**

that intersects with the Highway a maximum distance of 500 feet from the Highway to the nearest point of the parcel's road frontage on the County maintained road.

§ 35.3130 *CONDITIONAL USES IN RR*

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(E) A farm stand subject to MCC 35.6750 and MCC 35.6760 through 35.6765 and provided that the parcel on which the farm stand is located has road frontage on the Historic Columbia River Highway (Highway) or has road frontage on a County maintained road that intersects with the Highway a maximum distance of 500 feet from the Highway to the nearest point of the parcel's road frontage on the County maintained road.

§ 35.3330 *CONDITIONAL USES in SRC*

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(E) A farm stand subject to MCC 35.6750 and MCC 35.6760 through 35.6765 and provided that the parcel on which the farm stand is located has road frontage on the Historic Columbia River Highway (Highway) or has road frontage on a County maintained road that intersects with the Highway a maximum distance of 500 feet from the Highway to the nearest point of the parcel's road frontage on the County maintained road.

FARM STANDS

(specific to those listed as a conditional use in East of Sandy for MUA-20, RR and SRC zones)

~~§ 35.6750 — DEFINITIONS~~

~~(A) — *Local agricultural area* — Oregon or an adjacent county in Washington that borders Multnomah County.~~

~~(B) — *Farm crops or livestock* — Both fresh and processed farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area. As used in this subsection, “processed crops and livestock” includes jams, syrups, apple cider, animal products and other similar farm crops and livestock that have been processed and converted into another product but not prepared food items.~~

~~§ 35.6760 — CRITERIA FOR APPROVAL~~

~~(1) — The parcel where the farm stand is located is adjacent to the Historic Columbia River Highway (Highway) or has road frontage on a County maintained road that intersects with the Highway. A portion of the parcel's road frontage shall be within 500 feet, as driven, from the Historic Columbia River Highway.~~

~~(2) — The farm stand is 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 activity 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 sales of the farm stand.~~

~~(3) A farm stand operation that includes fee-based activities shall be located on a lot of with a minimum lot size of five acres and 75 percent of the lot must be used in the farm operation. The farm stand shall be open for retail sales of farm crops and livestock during all hours that fee-based activities are offered.~~

~~(4) The farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings or public entertainment.~~

~~(5) The proposed farm stand shall meet the criteria in MCC 35.6315.
(Ord. 1198, Added, 03/14/2013)~~

FARM STANDS

33 (34,35,36).6750 PURPOSES

The purposes of these regulations are to limit the area, location, design, and function of farm stand promotional activities, events and farm gatherings to the extent allowed by law in order to retain a maximum supply of land in production for farm crops or livestock, to ensure public health and safety, to minimize impacts on nearby farming operations, residents, roads, traffic circulation, wildlife and other natural resources, and to maintain the rural character.

33(34,35,36).6755 DEFINITIONS

As used in this section, the following words shall have the following meaning:

~~(3) As used in this section, “Farm crops or livestock” includes - b~~**Both** ~~fresh and processed farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area. As used in this subsection, “p~~**Processed farm** ~~crops and livestock” includes jams, syrups, apple cider, animal products and other similar farm crops and livestock that have been processed and converted into another product but not prepared food items.~~

~~(4) As used in this section, “Local agricultural area - includes Oregon or an adjacent county in Washington that borders Multnomah County.~~

Prepared Food Items -- Food that has been prepared and is sold for immediate consumption.

Promotional Activity – A fee-based activity, gathering or event in conjunction with a farm stand that promotes the contemporaneous sale of farm crops or livestock from the farm stand and whose primary purpose is significantly and directly related to the farming operation. Permissible farm stand promotional activities include harvest

festivals, corn mazes, hayrides, farm animal exhibits, small farm-themed gatherings such as birthday parties and picnics, school tours, musical entertainment (but not concerts), farm product food contests and food preparation demonstrations, and similar activities. Fee-based activities, such as weddings, corporate retreats, family reunions, anniversary gatherings, concerts, amusement park rides, sporting events and other activities for which the primary focus is the underlying cause for the gathering or activity rather than the farm operation and the sale of farm crops, are prohibited. Farm-to-plate meals can also be a promotional activity 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.

33 (34,35,36).6760 FARM STAND PERMITS

(A) A farm stand that occupies one acre or less, inclusive of parking area, ingress and egress driveways, product display area outside the farm stand structure, and has no promotional activities, shall be reviewed as a Type I permit.

(B) A farm stand that occupies more than one acre, inclusive of parking area, ingress and egress driveways, product display area outside the farm stand structure, or has one or more promotional events, shall be reviewed as a Type II permit.

(C) Notwithstanding subsections A and B of this section, where a farm stand is listed as a conditional use in the base zone, it shall be reviewed as a Type III permit.

33 (34,35,36).6765 STANDARDS FOR FARM STANDS

(A) The farm stand is associated with and located on the same lot, parcel or tract as an active farm operation.

(1) Not more than one Type II or Type III farm stand permit shall be granted per farm operation.

(2) Not more than one Type II or Type III farm stand permit shall be granted where any Person has a financial or operational interest in more than one farm operation or in an farm operation occurring on more than one lot, parcel or tract. The prohibition in this paragraph applies, but is not limited, to those instances in which more than one legal entity has a financial or operational interest in the active farm stands described in this paragraph and one or more individuals has a financial or operational interest in such entities.

(B) One or more structures may be approved as part of the farm stand provided that such 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. Whether permanent or temporary, structures for banquets, public

gatherings or public entertainment and structures designed or used for occupancy as a residence or for activity other than the sale of farm crops and livestock are prohibited.

(C) The square footage of all farm stand structures shall not exceed 1,000 square feet.

(D) The sale of retail incidental items may occur in farm stand structures. Promotional activity shall occur outside of farm stand structures. The farm stand shall be open for retail sales 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, during the hours that promotional activity is offered.

(E) The annual gross revenue derived from the sale of retail incidental items and from fees collected for promotional activity, including sales made and fees collected by third parties, shall not make up more than 25 percent of the total gross annual revenue of the farm stand. When taken together, the nature and extent of the farm stand promotional activity shall be reasonable in light of the 25 percent limitation set forth in this subsection in relation to the total gross annual revenue of the farm stand. On an annual, calendar-year basis, and prior to July 1 of each year, the farm stand operator shall submit a written statement prepared by a certified public accountant that certifies compliance with the 25 percent limitation set forth in this subsection for the previous tax year. The compliance statement required in this subsection shall be submitted on the form and in the manner directed by the County.

(F) The maximum land area occupied by farm stand structures and associated permanent parking shall be two acres.

(G) As compared to other alternatives, the siting of the farm stand, together with all associated structures, promotional activity areas, parking areas, and vehicular and pedestrian traffic circulation routes, or any part thereof, minimizes the amount of land area removed from the agricultural land base and, secondarily, minimizes interference with agricultural operations on adjacent lands.

(H) The amount of land used for promotional activity, including temporary parking, shall not exceed five percent or five acres of the property on which the farm stand is located, whichever is less, and is the minimum amount necessary to serve the promotional activity.

(I) Temporary parking for promotional activity may occur on high-value soils only if non-high-value soils are unavailable and the final harvest of the area to be used for temporary parking occurs prior to commencement of the temporary parking use or the area to be used for temporary parking was not farmed during the current growing season. The temporary parking area shall not be graveled or otherwise rendered unusable for agriculture in the following growing season and may not be permanently taken out of agricultural production in order to serve as a temporary parking area.

(1) No mud, dirt, rock or other debris from the temporary parking area shall be deposited upon a public road. If these materials are tracked onto a public road, the event operator shall be responsible for its immediate removal.

(J) Farm stand signage shall comply with the applicable provisions of MCC 33(34,35,36).7400 through 33(34,35,36).7505.

(K) No artificial amplification of sound shall occur before 9:00 AM or after 8:00 PM. At no time shall a promotional event generate noise above 60 dB(A) (decibels adjusted) at the property lines. (Note: The sound intensity of 60 decibels is comparable to conversations in a public place like a restaurant.)

(L) There shall be no charge or fee collected for the parking of vehicles in either permanent or temporary parking areas. Permanent parking areas are to remain available for public parking during all hours that the farm stand is open to the public and may not be used for promotional activity or occupied by picnic tables, sales displays, or other structures that obstruct the parking use.

(M) Exterior lighting shall be in compliance with the dark sky lighting standards of MCC 33(34,35,36).0570)

OFF-STREET PARKING AND LOADING

§ 33.4180 IMPROVEMENTS

(A) Surfacing

(1) Except as otherwise provided in this section, all areas used for parking, loading or maneuvering of vehicles, including the driveway, shall be surfaced with at least two inches of blacktop on a four inch crushed rock base or at least six inches of Portland cement, unless a design providing additional load capacity is required by the fire service provider, building official or County Engineer, as applicable.

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(3) Notwithstanding paragraph (A)(1) of this section, parking fields for intermittent uses such as special events associated with ~~farm stands and~~ public parks, sporting events, and the like may be surfaced with gravel, grass or both and spaces may be unmarked if the parking of vehicles is supervised. Grass fields used for parking shall be maintained so that grass is kept short and watered to minimize fire risk and reduce dust.