

**STAFF REPORT to the PLANNING COMMISSION**

**For the May 1, 2017 Public Hearing**

**ADDING AGRI-TOURISM PROVISIONS TO THE EFU ZONE IN THE  
EAST OF SANDY RIVER AND WEST OF SANDY RIVER RURAL  
PLANNING AREAS**

**(CASE FILE: PC -2016-4864)**

*Staff contact: Rich Faith*

**1.0 BACKGROUND**

“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 the opportunity for counties to allow and regulate up 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. The statute sets some requirements that agri-tourism events must meet but also gives counties authority to regulate other matters related to the conduct of agri-tourism such as transportation issues (access, egress, parking and traffic management), hours of operation, sanitation, solid waste, noise, etc.

Agri-tourism was first discussed by the Community Advisory Committee that worked on the 2015 Sauvie Island/Multnomah Channel Rural Area Plan. Because of the proliferation of agri-tourism 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 much debate on this question, the CAC decided that like Sauvie Island, the agri-tourism

provisions should also not be adopted for the West Hills rural area. Comprehensive Plan policies call for allowing agri-tourism provisions only 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. These policies are shown in Attachment A.

The proposed zoning code 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 permits. 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 desirable agri-tourism provisions for their area and to help draft the proposed amendments.

## **2.0 PROPOSED CODE AMENDMENTS**

The Planning Commission held two work sessions on the draft code amendments – December 5, 2016 and January 27, 2017. The Planning Commission requested a number of revisions to the draft amendments at those work sessions, most of which were in response to written comments submitted by Mr. Mark Greenfield. To the question of whether agri-tourism should also be listed as an allowed use in the MUA-20 zone, the Planning Commission decided against this idea.

### **Summary of Amendments**

The major elements of the proposed code amendments relating to agri-tourism in the East County area are summarized as follows:

- Adds a definition of “agri-tourism event” to clarify what qualifies and what does not.
- Lists a single, one-day event (subject to standards) within a calendar year as an allowed use in the EFU zone; lists up to six, one-day events (subject to standards) within a calendar year as a review use in the EFU zone.
- Sets maximum attendance of 20 persons and 20 vehicles for the allowed use and 50 persons and 35 vehicles for the review use.
- Sets a minimum farm tract size of ten acres where events can be held.
- Limits the hours of events to 9:00 AM to 9:00 PM.
- Sets a noise limit of 60 decibels at the property lines and allows amplified sound only between 9:00 AM and 8:00 PM.
- Requires any temporary structure to be erected and taken down on the same day as the event and to be setback at least 100 feet from the property line.
- Establishes requirements for outdoor lighting, sanitation facilities, solid waste, and signage.
- Prohibits camping at agri-tourism events.
- Requires events to be open to inspection by various enforcement personnel.
- Allows the Planning Director to approve minor modifications to a multi-day agri-tourism permit without the need for a new permit application. Defines what constitutes a minor modification.

## Proposed Zoning Code Amendments

**Staff Note: All of the following text is new. Per Comprehensive Plan policies 3.22, 3.24 3.26 and 3.28, these amendments would only apply to MCC Chapter 35, East of Sandy River Rural Planning Area and MCC Chapter 36, West of Sandy River Rural Planning Area.**

### §35.0005/§36.0005 DEFINITION

**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 for such an event or activity 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, or 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 and subordinate to the existing farm use and do not directly relate to and 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 event or activity rather than the farm operation.

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

#### §35.2620 ALLOWED USES

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

#### §35.2625 REVIEW USES

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

#### §36.2620 ALLOWED USES

(BB) A single, one-day agri-tourism event subject to MCC 36.6805.

#### §36.2625 REVIEW USES

(T) Agri-tourism events subject to MCC 36.6810.

### ***AGRI-TOURISM***

#### §35.6805/§36.6805 STANDARDS FOR A SINGLE, ONE-DAY EVENT

Satisfaction of the following standards of approval for a single, one-day agri-tourism event on a tract per calendar year shall be determined through the Type I permit review process.

(A) Minimum Tract Size: The agri-tourism event is held on a tract that is ten acres or larger in size and there is existing farm use on the tract.

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

(C) Parking and Traffic Control:

(1) The agri-tourism event will be conducted in compliance with a parking plan approved by the Planning Director. All event parking shall be accommodated on the tract; off-tract parking is prohibited.

(2) The agri-tourism event will be conducted in compliance with a traffic control plan providing safe and efficient on-site and off-site traffic management approved by the County Engineer, unless the County Engineer finds that a traffic control plan is unnecessary due to the nature of the event or finds that the characteristics of the tract or any other factor inherently ensures that traffic circulation and management will occur in a safe manner.

(D) Temporary Structures: Temporary structures, if any, 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 9:00 AM and shall conclude no later than 9:00 PM. No guest vehicle may arrive prior to 8:30 AM or depart later than 9:30 PM on the day of the event.

(F) Noise: No artificial amplification of sound shall occur before 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 [MCC 36.4185] and MCC 35.0570 [MCC 36.0570].

(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 tract for use by attendees of the event.

(I) Solid Waste: The agri-tourism event will be conducted in compliance with a solid waste plan that explains how solid waste generated by the event will be collected and disposed of at a Metro designated regional solid waste facility.

(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 tract. The sign may be a double faced sign. Off-tract signs are prohibited, whether placed in the public right-of-way, adjacent properties or elsewhere. The sign may be displayed only on the day of the event.

(K) Camping is prohibited.

(L) Inspection of Event: The agri-tourism event shall be open to inspection by any authority having jurisdiction over the event or any part thereof, including but not limited to, law enforcement, public health, fire control, and code compliance 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 tract. Approval of the agri-tourism event permit is personal to the applicant and specific to the authorized tract. The permit terminates automatically, immediately and without notification if farm use ceases to occur on the tract or the applicant no longer has control of the tract as its owner or lessee.

(N) 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.

(O) A permit for up to six one-day agri-tourism events has not been issued for the same tract in the same calendar year nor has a permit been issued for a farm stand promotional activity or a winery agri-tourism event for the same tract.

(P) Agri-tourism events are not permitted in conjunction with a farm operation involving any form of marijuana business.

#### §35.6810/§36.6810 STANDARDS FOR OTHER AGRITOURISM EVENTS

Satisfaction of the following standards of approval for up to six one-day agri-tourism events on a tract per calendar year shall be determined through the Type II permit review process.

(A) Minimum Tract Size: The agri-tourism event is held on a tract that is ten acres or larger in size and there is existing farm use on the tract.

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

(C) Parking and Traffic Control:

(1) The agri-tourism event will be conducted in compliance with a parking plan approved by the Planning Director. All event parking shall be accommodated on the tract; off-tract parking is prohibited.

(2) The agri-tourism event will be conducted in compliance with a traffic control plan providing safe and efficient on-site and off-site traffic management approved by the County Engineer, unless the County Engineer finds that a traffic control plan is unnecessary due to the nature of the event or finds that the characteristics of the tract or any other factor inherently ensures that traffic circulation and management will occur in a safe manner.

(D) Temporary Structures: Temporary structures, if any, 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: Each agri-tourism event shall begin no earlier than 9:00 AM and shall conclude no later than 9:00 PM. No guest vehicle may arrive prior to 8:30 AM or depart later than 9:30 PM on the day of the event.

(F) Noise: No artificial amplification of sounds shall occur before 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 agri-tourism event shall comply with MCC 35.4185 [36.4185] and MCC 35.0570 [36.0570].

(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 tract for use by attendees of the event.

(I) Solid Waste: The agri-tourism event will be conducted in compliance with a solid waste plan that explains how solid waste generated by the event will be collected and disposed of at a Metro designated regional solid waste facility.

(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 tract. The sign may be a double faced sign. Off-tract signs are prohibited, whether placed in the public right-of-way, adjacent properties or elsewhere. The sign may be displayed only on the day of the event.

(K) In order to approve the permit application, findings must be made that the agri-tourism event:

(1) Has as its primary focus the farm use rather than the underlying cause of the activity or event; and

(2) Significantly and directly relates to and supports the farm use; and

(3) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

(4) Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

(5) Will not, in combination with other agri-tourism or other commercial events or activities authorized in the area, materially alter the stability of the land use pattern in the area.

(L) Camping is prohibited.

(M) Inspection of Event: The agri-tourism event shall be open to inspection by any authority having jurisdiction over the event or any part thereof, including but not limited to, law enforcement, public health, fire control, and code compliance 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 tract. Approval of the agri-tourism event permit is personal to the applicant and specific to the authorized tract. The permit terminates automatically, immediately and without notification if farm use ceases to occur on the tract or the applicant no longer has control of the tract as its owner or lessee.

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

(R) A permit for a single, one-day agri-tourism event has not been issued for the same tract in the same calendar year nor has a permit been issued for a farm stand promotional activity or a winery agri-tourism event for the same tract.

(S) Agri-tourism events are not permitted in conjunction with a farm operation involving any form of marijuana business.

<b>3.0 ATTACHMENTS</b>
------------------------

Attachment A -- Comprehensive Plan policies pertaining to agri-tourism