

DEPARTMENT OF COMMUNITY SERVICES
LAND USE PLANNING DIVISION
MULTNOMAH COUNTY PLANNING COMMISSION

MINUTES OF JUNE 5, 2017

- I. **Call to Order:** Chair John Ingle called the meeting to order at 6:35 p.m. on Monday, June 5, 2017 at the Multnomah Building, Room 101, located at 501 SE Hawthorne Blvd., Portland, OR.
- II. **Roll Call:** Present - John Ingle, Katharina Lorenz, Timothy Wood, Jim Kessinger, Alicia Denney, Chris Foster, Susan Silodor, Bill Kabeiseman and Victoria Purvine. Chair Ingle asked the Commissioners to introduce themselves to our new member Victoria Purvine.
- III. **Approval of Minutes: May 1, 2017** - Motion to approve by Denney; seconded by Wood. Motion passed unanimously.
- IV. **Opportunity to Comment on Non-Agenda Items:** None.
- V. **Continued Hearing: Amendments to consider Zoning Code provisions for Agri-Tourism events in the Exclusive Farm Use zones of East Multnomah County, (PC-2016-4864)** – Rich Faith, Multnomah County Senior Planner presented the staff report for agri-tourism provisions. He stated that this continued hearing is largely in part to discuss testimony received May 1, 2017 asking that agri-tourism be extended to the Multiple Use Agriculture -20 zone in East County. A primary issue is the fact that these parcels are smaller than in other zone and statute requires a minimum of ten acres. Properties designated as Urban and Rural Reserved would be prohibited for adding a new use to those parcels. There are 176 parcels in the MUA-20 zone with the average size of 3.68 acres. Only two of these 176 parcels are ten acres or greater. Farm-to-plate meals would qualify as agri-tourism and staff proposes adding language to the definition of “agri-tourism events” to include farm-to-plate meals.

Public Testimony PC-2016-4864

David Osborn – lives on a 5.25 acre farm and has concerns that this proposed language could restrict his ability to host educational events and weddings. He feels that 10 acres is too restrictive.

Brian Dickerson – operates Dancing Roots Farm in Springdale Oregon. Provides produce to restaurants in the Portland region and believes that local agriculture will be even more critical in the future. He feels it is important to bring people from the urban areas to the rural areas to learn where their food comes from. He has concerns that this code will restrict his ability to find creative uses for his land and would like to see the acre limitation be lowered to 5 acres.

Shari Sirkin – also from Dancing Roots Farms, stated that the income from their farm-to-plate dinners is less than 5% of their total income. She presented pictures of farm dinners from their farm and expressed concern over the limitation on number of participants or attendees.

William Lakey – lives on a 2.3 acres parcel and feels that the size of lots and number of attendees allowed in the proposed language is too restrictive.

Stephanie Nystrom – would like to see the definition of “immediate surrounding area” be limited to only Multnomah County and not neighboring jurisdictions. She also asked if donated or free events would count again the total number of events allowed. She felt that limiting the parcel size to 6 acres would be more appropriate and asked if changing the size in MUA-20 would affect the size of allowed parcels in EFU zones.

Linden Burke – wanted to remind the Commissioners that restrictions are protections that have served the region well. She shared that at the CAC meetings there was pressure to ban agri-tourism outright in East County. During the three community meetings held in Corbett consensus was reached to allow agri-tourism on a limited scale primarily as an educational tool. She would like to see a system with a scaled size threshold based on acreage with an annual review. Bring farming infrastructure to East County should be a priority for the County.

Commissioner Foster suggested a compromise to allow agri-tourism in the MUA-20 on parcels five acres or greater with all other restrictions in place. He proposed keeping EFU at ten acres.

Commissioner Kabeiseman raised concern about mass gatherings loophole to allow additional large events. He expressed concern over the impact that the “bad actors” could have and suggested keeping events small.

Commissioner Purvine expressed concern that if property owners have free events or donated events that they can go over the limit. This will have an impact on the neighbor. She feels that ten acres would have less impact on the neighbors.

Commissioner Silodor asked if a mass gathering ordinance gets adopted would it be retroactive? Faith responded that a property owner could not have agri-tourism under a mass gathering statute.

Katherine Thomas, Assistant County Attorney stated that statute is written to say that if you have authorized agri-tourism then you could not have mass gatherings for agri-tourism purposes.

Commissioner Purvine proposed defining “surrounding area” as within 50 miles.

Commissioner Kessinger suggested using the Farm Stand provision definition,” local agricultural area as Oregon or an adjacent county that borders Multnomah County”.

Commissioner Foster **moved** for adoption of PC-2016-4864 with amendment to include MUA-20 at five acres or larger and EFU at ten acres and definition of surrounding area to reflect the language in the farm stand provision; Commissioner Silodor **seconded**. Motion passed unanimously.

VI. Continued Hearing: Amendments to Chapter 35 of the County Zoning Code to eliminate farm stands as a conditional use in the MUA-20, RR and SRC zones and to amend Chapters 33-36 to add provisions for farm stands, including promotional activity, in the EFU zones. Establish different permit requirements based on the size of the farm stand operation of the inclusion of promotional activity (PC-2017-7340) - Rich Faith, Multnomah County Senior Planner, reminded the Planning Commission of the three major points that they wanted to discuss from the previous hearing. The first being the 1000 sq ft maximum building size for a farm stand; second, clarifying the 25% limitation for selling incidental items and promotions event fees to be clear that this is percent of the gross annual retail revenue; the third issue was how to address current farm stands that currently exceed the maximum size.

Faith went on to discuss the first table in the staff report that show the six farms that were used to determine the proposed size of farm stands. The second table shows the current size of the three permitted farm stands on Sauvie Island. He went on to discuss the addition of the term “retail” into the language of .6765 (D) to clarify how the 25% is calculated. Then he discussed the issue of “grandfathering” the large farm stands on Sauvie Island that would not meet the new threshold. Staff

has concluded that it is not necessary to add language because they will be subject to nonconforming use provisions if they want to expand or alter their activities in the future.

Commissioner Foster asked if we need to add “to the public” after the insertion of the term retail. He expressed concern that some may say that they sell wholesale to the public.

Commissioner Kabeiseman felt that the definition of retail in State statute is clear.

Jed Tomkins, Assistant County Attorney stated that the definition of retail was clearly defined in *Greenfield v. Multnomah County (Bella Organics)*. Retail was distinguished from wholesale in this case as being sold to the end user rather than an intermediary.

Commissioner Wood asked if other farm stands such as Kruger’s could not exist in the future as a result of the court case referenced above? Faith stated that the court decision made it clear what a typically farm stand could be.

Commissioner Foster proposed increasing the size limitation to 1500 sq ft. not to include restrooms and storage areas.

Commissioner Kessinger stated that currently permits are structured to include “public access areas” which would take into account restrooms.

Commissioner Denney agreed that 1500 sq. ft. was too restrictive and wanted the commission to consider raising the limit to 2000 sq. ft.

Commissioner Foster **moved** to adopt as amended with new language to include the term retail and increase the combined size of structures to 1500 sq ft.; Silodor **seconded**. Motion passes 7:2.

VII. Director’s Comments: Adam Barber, Multnomah County Senior Planner, reminded the Commissioners that there will be no meeting in July. He informed them that the vacant Code Compliance Specialist position was funded by the Board during this budget cycle. He thanked Rich Faith for all his work during his limited duration assignment and wished him well in retirement.

Meeting adjourned at 8:56 p.m.
Recorder, Stuart Farmer