

FARM STAND AMENDMENTS

Existing text to be deleted is ~~struckout~~.
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

.....

(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 events-- Fee-based events, farm gatherings or activities in conjunction with a farm stand that promote 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 events include harvest festivals, farm-to-plate meals, corn mazes, hayrides, farm animal exhibits, small farm-themed

gatherings such as birthday parties and picnics, school tours, free musical acts, farm product food contests and food preparation demonstrations, and similar activities. Fee-based events, such as weddings, corporate retreats, family reunions, anniversary gatherings, concerts, amusement park rides, and other activities for which the primary focus is on 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 shall primarily utilize 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 and display area, and has no promotional events shall be reviewed as a Type I permit.

(B) A farm stand that occupies more than one acre, inclusive of parking area and display area, 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.

(B) Structures used in support of the farm operation that are lawfully established at the time of application for a farm stand permit or modification of a permit may be used in support of the farm stand provided that such use is incidental to the primary use of such structures and such structures are not used for either of the following: occupancy by members of the public; or sales, promotional events or other commercial activity relating to the farm stand. Notwithstanding the limitations on the use of certain structures in this subsection, tours, viewings or observations may occur in such structures if approved as promotional events at the farm stand.

~~(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~~

(C) Except as provided in subsection (B) of this Section, 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. The sale of retail

incidental items and fee-based promotional events may occur in such structures provided that the annual revenue derived from the sale of incidental items and fees from promotional events does not make up more than 25 percent of the total annual retail revenue of the farm stand.

(D) When taken together, the nature and scope of the farm stand promotional events shall be reasonable in light of the 25 percent limit on certain annual retail revenue of the farm stand and the reasonably anticipated amount of annual retail revenue derived from the sale of retail incidental items and the total annual retail revenue of the farm stand.

(E) The total annual retail revenue of the farm stand does not include income received by third parties. The income derived from third-party sales of retail incidental items and from fees for promotional events shall constitute revenue derived from the sale of retail incidental items for purposes of determining compliance with the 25 percent limit on certain annual retail revenue of the farm stand.

(F) On a yearly basis, the farm stand operator shall submit to the County a written statement prepared by a certified public accountant that certifies compliance with the 25 percent limit on certain annual retail revenue of the farm stand for the previous tax year.

(G) The farm stand ~~does~~shall not include structures designed or used for occupancy as a residence or for activities other than the sale of farm crops and livestock and ~~does~~shall not include structures, either temporary or permanent, for banquets, public gatherings, ticket booths or public entertainment.

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

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

1. The application for the farm stand shall demonstrate the need for the amount of land area proposed to be removed from agricultural production for the structures and permanent parking.

(J) The amount of land used for promotional events, including temporary parking, shall not exceed five percent or five acres of the property on which the farm stand is located, whichever is less.

1. The application for promotional event(s) shall demonstrate the need for the amount of land area proposed to be removed from agricultural production for these non-farm uses, including temporary parking.

(K) Temporary parking for promotional events shall use areas on the property that are not high-valued soils if available, but if lacking these soils, temporary parking may use farmed areas of the property that have already been harvested or on areas that were 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. 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.

(L) The land use application shall demonstrate that there is no viable alternative site on the property for the placement of the farm stand, including its structures, parking, and promotional event sites or any part thereof, that would minimize the amount of land area removed from the agricultural land base or would minimize interference with agricultural operations on adjacent lands.

(M) Farm stand signage shall comply with the applicable provisions of Sections 33(34,35,36).7400 to 33(34,35,36).7505.

(N) No artificial amplification of sound shall occur before 8 AM or after 8 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.)

(O) A farm operator or business owning or leasing multiple properties in farm use in Multnomah County shall be limited to only one Type II or Type III farm stand in the County.

(P) The farm stand shall be open for retail sales of farm products from the farming operation during all hours that promotional events are offered.

(Q) 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 to the public at all times and may not be used for picnic tables, produce displays or other activities.

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