

Memorandum

Date: January 26, 2018
To: Planning Commission
From: Kevin Cook, Senior Planner
Subject: Amendments to Proposed Agri-tourism Ordinance (PC-2016-4864)

Based on the direction of the Planning Commission at the January 8, 2018 hearing on the proposed agri-tourism ordinance, staff has proposed the following text changes:

Notes

1: All the text in the proposed agri-tourism ordinance is new, so the deletions and additions below reflect changes made since staff presented the last proposal to the Planning Commission. Changes are reflected as follows:

Text with ~~striketrough~~ is deleted.

New text is red underlined.

2: The proposed text changes provide flexibility with respect to the ability to use a neighboring property for event parking. Staff notes that at one point during Planning Commission discussion the concept of allowing off-site parking only if parking is not feasible on the event property, but the concept was not flushed out further. Staff has not included the concept of 'not feasible' in the text below because we understood the concept to be an effort to add flexibility with respect to parking. If the Planning Commission wishes to add the 'not feasible' concept, staff suggests the following highlighted text to proposed (3) below:

(3) In the MUA-20 base zone, all agri-tourism event parking shall be accommodated on the tract. If all event parking cannot be accommodated on the tract, event parking may be accommodated on a contiguous Lot of Record...

§35.6850/§36.6850 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.

...

(C) Parking and Traffic Control:

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

(2) In the EFU base zone, all agri-tourism event parking shall be accommodated on the tract; off-tract parking is prohibited.

(3) In the MUA-20 base zone, all agri-tourism event parking shall be accommodated on the tract or on a contiguous Lot of Record that is also located within the MUA-20 base zone. Parking on a contiguous Lot of Record may be permitted if:

- (a) The owner of record or contract purchaser of the contiguous property has provided written consent to allow parking on the owner or contract purchaser's property as described in the parking plan;
- (b) All event parking will be located within the MUA-20 base zone;
- (c) There is safe and convenient access for pedestrians between the parking area and the event property;
- (d) No portion of a public road right of way will be crossed, traversed, or otherwise used by pedestrians traveling between the parking area and the event property; and
- (e) The contiguous property used for parking and circulation will not host other activities associated with or related to the agri-tourism event.

<i>Note: The new text offered below is in response to the question whether compliance findings would be required for a neighboring property used for event parking.</i>

(4) A permit authorizing event parking on a contiguous Lot of Record is not a land use decision that the contiguous property is or is not in full compliance with all applicable provisions of the Multnomah County Land Use Code or any permit approvals previously issued by the County for that property.

~~(2)~~5 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.

...

Note: Staff did not propose modifications to the standard below. ORS 215.283(4) requires the entire, single one-day event (plus activities) to occur between 6 a.m. and 10:00 p.m.

(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 on the day of the event. A temporary structure shall be placed no closer than 100 feet from a property line.

§35.6855/§36.6855 STANDARDS FOR OTHER AGRI-TOURISM 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.

...

(C) Parking and Traffic Control:

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

(2) In the EFU base zone, all agri-tourism event parking shall be accommodated on the tract; off-tract parking is prohibited.

(3) In the MUA-20 base zone, all agri-tourism event parking shall be accommodated on the tract or on a contiguous Lot of Record that is also located within the MUA-20 base zone. Parking on a contiguous Lot of Record may be permitted if:

(a) The owner of record or contract purchaser of the contiguous property has provided written consent to allow parking on the owner or contract purchaser's property as described in the parking plan;

(b) All event parking will be located within the MUA-20 base zone;

(c) There is safe and convenient access for pedestrians between the parking area and the event property;

(d) No portion of a public road right of way will be crossed, traversed, or otherwise used by pedestrians traveling between the parking area and the event property; and

(e) The contiguous property used for parking and circulation will not host other activities associated with or related to the agri-tourism event.

(4) A permit authorizing event parking on a contiguous Lot of Record is not a land use decision that the contiguous property is or is not in full compliance with all applicable provisions of the Multnomah County Land Use Code or any permit approvals previously issued by the County for that property.

(2~~5~~) 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.

...

Note: Staff has not proposed any changes to the text below. We investigated ORS 215.283(6) and found that temporary structures must be removed at the end of the agri-tourism event or activity.

(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 on the day of the event. A temporary structure shall be placed no closer than 100 feet from a property line.