

BEFORE THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of Amending the Yamhill County )  
Zoning Ordinance to Add a New Section §1013 ) Ordinance 871  
for Agri-Tourism, Planning Docket G-01-12 )

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON ("the Board") sat for the transaction of County business on May 24, 2012, Commissioners Leslie Lewis, and Mary P. Stern being present, and Commissioner George being excused.

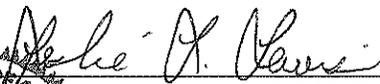
IT APPEARING TO THE BOARD that the Board initiated a legislative land use process to amend the Yamhill County Zoning Ordinance to add a new Section, §1013, to implement a new state law concerning agri-tourism, SB 960; and

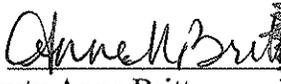
IT APPEARING TO THE BOARD that the Yamhill County Planning Commission heard this matter at a duly noticed public hearing on April 5, 2012, then voted to recommend approving the legislative amendment. The Board convened duly noticed public hearings on May 3 and May 10, 2012, and then voted unanimously to approve the legislative amendment. NOW, THEREFORE,

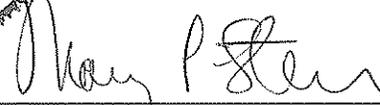
IT IS HEREBY ORDAINED BY THE BOARD, that Section 1013, appended and incorporated into this ordinance by this reference, is hereby added to the Yamhill County Zoning Ordinance to implement the new agri-tourism state law, SB 960. This ordinance, being necessary for the health, safety, and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, is effective immediately.

DONE this 24<sup>th</sup> day of May, 2012, at McMinnville, Oregon.

ATTEST YAMHILL COUNTY BOARD OF COMMISSIONERS

REBEKAH STERN DOLL   
County Clerk LESLIE LEWIS

By:  (excused)  
Deputy Anne Britt Commissioner KATHY GEORGE

APPROVED AS TO FORM:   
 Commissioner MARY P. STERN



RICK SANAI, Yamhill County Counsel

F:\Users\sanair\LU\AgriTourismOrdinanceMay2012.wpd



# Docket G-01-12 ORDINANCE AMENDMENTS

The following is to add Agri-Tourism events as allowed by SB 960 (2011)

## SECTION 1013 – SPECIAL USE REQUIREMENTS

### 1013. AGRI-TOURISM USE PERMITS

Agri-tourism and other commercial events or activities related to and supportive of agriculture may be approved in an area zoned for exclusive farm use subject to the standards and criteria in this section. Any permitted event or activity is personal to the applicant and is not transferred by, or transferrable with, a conveyance of the tract.

#### 1013.01 Standards and Criteria.

A. The following provisions shall apply to agri-tourism use permits:

1. One expedited, agri-tourism or other commercial event or activity on a tract may be permitted in a calendar year subject to the following:

a. The event or activity is incidental and subordinate to existing farm use on the tract and;

b. Shall not begin before 6 a.m. or end after 10 p.m.;

c. Shall not involve more than 100 attendees or 50 vehicles;

d. Shall not include the artificial amplification of music;

e. Shall occur outdoors, in temporary structures, or in existing permitted structures. Shall not require or involve the construction, use or occupancy of a new permanent structure in conjunction with the activity or event;

f. Shall be located on a tract of at least 10 acres unless the owners or residents of adjoining properties consent, in writing, to the location; and

g. Shall comply with any applicable health and fire and life safety requirements.

An expedited, single event or activity is not a land use decision as defined in ORS 197.015 and, therefore, does not require public notice.

2. In the alternative to 1 above, one agri-tourism or other commercial event or activity on a tract may be permitted in a calendar year subject to the following:

a. The event or activity is incidental and subordinate to existing farm use on the tract and;

b. Shall not exceed 72 consecutive hours;

c. Maximum attendance shall not exceed 500 people;

- d. The maximum number of motor vehicles parked at the site shall not exceed 250;
  - e. May allow the artificial amplification of voice or music from 8 a.m. to 10 p.m.;
  - f. Shall comply with ORS 215.296;
  - g. Shall occur outdoors, in temporary structures, or in existing permitted structures. Shall not require or involve the construction, use or occupancy of a new permanent structure in conjunction with the activity or event;
  - h. Shall comply with any applicable health and fire and life safety requirements;
  - i. Shall comply with any conditions established for hours of operation, access, egress and parking, a traffic management plan that identifies the projected number of vehicles and any anticipated use of public roads, and sanitation and solid waste.
3. In the alternative to 1 and 2 above, up to six events or activities on a tract may be permitted in a calendar year subject to the following:
- a. The events or activities are incidental and subordinate to existing farm use on the tract and;
  - b. Shall not, individually, exceed 72 consecutive hours;
  - c. One of the six events may allow the artificial amplification of voice or music from 8 a.m. to 10 p.m.
  - d. Shall comply with ORS 215.296;
  - e. Shall occur outdoors, in temporary structures, or in existing permitted structures. Shall not require or involve the construction, use or occupancy of a new permanent structure in conjunction with the activities or events;
  - f. Shall comply with any applicable health and fire and life safety requirements;
  - g. Shall 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; and
  - h. Must comply with any conditions established for:
    - (i). The types of events or activities that are authorized during each calendar year, including the number and duration of events and activities, the anticipated daily attendance and the hours of operation;
    - (ii). The location of existing structures and the location of proposed temporary structures to be used in connection with the events or activities;
    - (iii). The location of access and egress and parking facilities to be used in connection with the events or activities;

(iv). Traffic management, including the projected number of vehicles and any anticipated use of public roads; and

(v). Sanitation and solid waste.

i. Permits approved under this subsection expire one year from the date of approval but may be renewed for four-year periods subject to an application for renewal and demonstration of compliance with conditions of approval and the standards of this subsection.

4. In the alternative to 1, 2 and 3 above, up to 18 events on a tract may be permitted in a calendar year subject to the following:

a. The events or activities are incidental and subordinate to existing commercial farm use of the tract and are necessary to support the commercial farm uses or the commercial agricultural enterprises in the area and;

b. Shall comply with Section 1013.01 (A) (3) (b) through (h) above;

c. Shall occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size;

d. Permits approved under this subsection expire one year from the date of approval;

e. Such permits may be renewed at four year intervals subject to:

(i). An application for renewal;

(ii). Public notice and public comment as part of the review process; and

(iii). Demonstration of compliance with conditions of approval and the standards of this subsection.

5. Overnight camping may be allowed for the duration of the one yearly activity or event approved under Section 1013.01(A)(2), (3) or (4). Applications involving overnight camping shall be subject to the Type B procedures set forth in Section 1301.

6. Temporary structures authorized under this Section shall be removed at the end of the activity or event. Additionally, no alteration of the land shall be allowed in connection with an activity or event authorized under this Section, including but not limited to, grading, filling or paving.

7. The events and activities permitted in this Section are in addition to other authorizations that may be provided by law, except that outdoor mass gathering and other gatherings, as those terms are used in ORS 197.015 (10)(d), do not include agri-tourism or other commercial events or activities.

## **1013.02 APPLICATION PROCESS**

Applications filed under Section 1013.01 (A)(2) and (3) shall be subject to the Type A application procedure set forth in Section 1301. Applications filed under Section 1013.01 (A)(4) shall be subject to the Type B procedure set forth in Section 1301.