



PROPOSED LAND USE ORDINANCE NO. 864
Individual and General Notice 2020-01
May 22, 2020

The Washington County Planning Commission and Board of Commissioners (Board) will soon consider proposed **Ordinance No. 864**. Listed below is a description of the ordinance, hearing dates and other relevant information. If you have any questions about the ordinance, or if you would like additional information, please contact Long Range Planning at 503-846-3519 or lutplan@co.washington.or.us.

ORDINANCE PURPOSE AND SUMMARY:

Ordinance No. 864 would amend the Community Development Code (CDC) to address changes in state law that the County must implement to allow cider businesses and farm breweries and associated activities in exclusive farm use districts (EFU and AF-20). Ordinance No. 864 also proposes minor amendments to accommodate the added uses.

Who is Affected

Residents, businesses and property owners in rural unincorporated Washington County.

What Land is Affected

Exclusive farm use areas (EFU and AF-20 Land Use Districts) in Washington County.

PUBLIC HEARING INFORMATION:

Hearings are in the auditorium of the
Charles D. Cameron Public Services Building, 155 N. First Ave., Hillsboro

Planning Commission

6:30 p.m.

June 17, 2020

Board of Commissioners

10 a.m.

July 21, 2020

**Planning Commission and Board meetings may be conducted virtually on Zoom.
Check one week prior to the meeting date for meeting location details.**

At its July 21 public hearing, the Board may choose to adopt the ordinance, make changes to it, continue the hearing to a future date, or reject the ordinance. If adopted July 21, it would become effective Aug. 20, 2020.

KEY PROVISIONS:

- Adds Special Use standards in the CDC for Cider Businesses in Section 430-28 and Farm Breweries in Section 430-45.
- Minor amendments to add references in the land use districts for the new uses and renumbering to accommodate added standards.

AFFECTED LAND USE PLANNING DOCUMENTS:

Community Development Code

- Various – Renumbering
 - 340 – Exclusive Farm Use District (EFU)
 - 344 – Agriculture and Forest District (AF-20)
 - 430 – Special Use Standards
-

HOW TO SUBMIT COMMENTS:

Washington County remains committed to broad community engagement and transparency of government and during the COVID-19 pandemic will host virtual meetings on Zoom.

Advance registration is required to provide testimony on agenda items or additional communication at designated times

For Planning Commission registration and contact information, please visit the Planning Commission webpage: <https://www.co.washington.or.us/PlanComm>

For Board registration instructions and contact information, please visit the How to Testify webpage: <https://www.co.washington.or.us/BOC/Meetings/How-to-Testify.cfm>

- Submissions for oral or written testimony, including email must be received at least 24 hours prior to the meeting date.
- Include the author's name and address with any public testimony.

Staff Contact

Carine Arendes, Associate Planner, carine_arendes@co.washington.or.us, 503-846-8817

During facility closures the ordinance is available for review on the Land Use Ordinances webpage: www.co.washington.or.us/landuseordinances

Once facilities are re-opened, the ordinance will be available for review at the following locations:

- Department of Land Use & Transportation
- Cedar Mill Community Library and Tigard Public Library
- Community Participation Organizations (CPOs), call 503-846-6288

IN THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

ORDINANCE 864

An Ordinance Amending the Community
Development Code Relating to Cider Business
and Farm Brewery Standards

The Board of County Commissioners of Washington County, Oregon, ("Board") ordains as follows:

SECTION 1

A. The Board recognizes that the Community Development Code Element of the Comprehensive Plan (Volume IV) was readopted with amendments on September 9, 1986, by way of Ordinance No. 308, and subsequently amended by Ordinance Nos. 321, 326, 336-341, 356-363, 372-378, 380, 381, 384-386, 392, 393, 397, 399-403, 407, 412, 413, 415, 417, 421-423, 428-434, 436, 437, 439, 441-443, 449, 451-454, 456, 457, 462-464, 467-469, 471, 478-481, 486-489, 504, 506-512, 517-523, 525, 526, 528, 529, 538, 540, 545, 551-555, 558-561, 573, 575-577, 581, 583, 588, 589, 591-595, 603-605, 607-610, 612, 615, 617, 618, 623, 624, 628, 631, 634, 635, 638, 642, 644, 645, 648, 649, 654, 659-662, 667, 669, 670, 674, 676, 677, 682-686, 692, 694-698, 703, 704, 708, 709, 711, 712, 718-720, 722, 725, 730, 732, 735, 739, 742-745, 754-758, 760, 762, 763, 765, 766, 769-776, 782-788, 791, 792, 797-802, 804, 809-811, 813-815, 820, 822-824, 826-828, 831-835, 838, 840-842, 845-847, 851, 853, and 855-859.

B. As part of its ongoing planning efforts, Washington County staff has identified amendments to the Community Development Code to add Cider Business and Farm Brewery

1 standards to enable the development of these growing economic sectors consistent with state
2 law. The Board recognizes that such changes are necessary for the health, safety and welfare of
3 the residents of Washington County, Oregon.

4 C. Under the provisions of Washington Charter Chapter X, the Department of Land
5 Use and Transportation has carried out its responsibilities, including preparation of notices, and
6 the County Planning Commission has conducted one or more public hearings on the proposed
7 amendments and has submitted its recommendations to the Board. The Board finds that this
8 Ordinance is based on that recommendation and any modifications made by the Board are a
9 result of the public hearings process.

10 D. The Board finds and takes public notice that it is in receipt of all matters and
11 information necessary to consider this Ordinance in an adequate manner and finds that this
12 Ordinance complies with the Statewide Planning Goals, the standards for legislative plan
13 adoption as set forth in Chapters 197 and 215 of the Oregon Revised Statutes, the Washington
14 County Charter, the Washington County Community Development Code, the Washington
15 County Transportation System Plan, and the Washington County Comprehensive Plan.

16 SECTION 2

17 The following exhibit, attached hereto and incorporated herein by reference, is adopted
18 as an amendment to the designated document as follows:

19 A. Exhibit 1 (12 pages) amends the following sections of the Community
20 Development Code:

- 21 1. Multiple CDC sections will be amended to renumber a Special Use section
22 and associated cross-references;

2. Section 340 – Exclusive Farm Use District (EFU);
3. Section 344 – Agriculture and Forest District (AF-20); and
4. Section 430 – Special Use Standards.

SECTION 3

All other Comprehensive Plan provisions that have been adopted by prior ordinance, which are not expressly amended or repealed herein, shall remain in full force and effect.

SECTION 4

All applications received prior to the effective date shall be processed in accordance with ORS 215.427.

SECTION 5

If any portion of this Ordinance, including the exhibit, shall for any reason be held invalid or unconstitutional by a body of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

SECTION 6

The Office of County Counsel and Department of Land Use and Transportation are authorized to prepare planning documents to reflect the changes adopted under Section 2 of this Ordinance, including deleting and adding textual material and maps, renumbering pages or sections, and making any technical changes not affecting the substance of these amendments as necessary to conform to the Washington County Comprehensive Plan format.

SECTION 7

This ordinance shall take effect thirty days after adoption.

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1 ENACTED this _____ day of _____, 2020, being the _____ reading and
2 _____ public hearing before the Board of County Commissioners of Washington County,
3 Oregon.

4 BOARD OF COUNTY COMMISSIONERS
5 FOR WASHINGTON COUNTY, OREGON

6 _____
7 CHAIR KATHRYN HARRINGTON

8 _____
9 RECORDING SECRETARY

11 READING

11 PUBLIC HEARING

12 First _____
13 Second _____
14 Third _____
15 Fourth _____
16 Fifth _____

12 First _____
13 Second _____
14 Third _____
15 Fourth _____
16 Fifth _____

17 VOTE: *Aye*: _____

17 *Nay*: _____

18 Recording Secretary: _____ Date: _____

Sections of the COMMUNITY DEVELOPMENT CODE are amended to reflect the following:

1. MULTIPLE CDC SECTIONS THROUGHOUT THE CDC – SECTION NUMBER UPDATES

Move Section 430-45 (Flag Lots) to a new Section 430-46 (Flag Lots) and renumber the associated cross-references.

2. SECTION 340 – EXCLUSIVE FARM USE DISTRICT (EFU)

340-4 Uses Permitted Through a Type II Procedure

340-4.1 Permitted Uses which are exempt from Section 340-4.3:

T. Winery - Section 430-145 (see also AA., below).

Y. Cider Business - Section 430-28 (see also AA., below).

Z. Farm Brewery - Section 430-45 (see also AA., below).

AA. Agritourism events on more than six ~~seven (7)~~ and up to eighteen (18) days per calendar year at a tract occupied by one or more of the following:

(1) Cider business described under 430-28.1 (Section 430-28.3 D.).

(2) Farm brewery described under 430-45.1 (Section 430-45.3 D.).

(3) Standard winery described under 430-145.1 (Section 430-145.5 C.).

Events limited to 18 days per calendar year, subject to applicable review procedures and standards found in Section 430.

340-4.2 Permitted Uses which are subject to Section 340-4.3:

F. Home Occupation – Section 430-63. Applications to renew a home occupation do not have to address Section 340-4.3 if that section was addressed in a prior application. A home occupation on high-value farmland shall be operated in the dwelling or other buildings normally associated with uses permitted in the district. A home occupation shall not unreasonably interfere with other uses permitted on surrounding land in the EFU, EFC and AF-20 Districts.

A bed and breakfast facility operated in conjunction with any of the following uses may be processed as a home occupation under Section 430-63:

(1) Cider business (Section 430-28).

(2) Farm brewery (Section 430-45).

- (3) ~~at a wWinery described under 430-145.1 or 430-145.2 may be processed as a home occupation subject to Section 430-63-(Section 430-145.4 C).~~

3. SECTION 344 – AGRICULTURE AND FOREST DISTRICT (AF-20)

344-4 Uses Permitted Through a Type II Procedure

344-4.1 Permitted Uses which are exempt from Section 344-4.3:

T. Winery - Section 430-145 (see also Section AA., below).

Y. Cider Business - Section 430-28 (see also Section AA., below).

Z. Farm Brewery - Section 430-45 (see also Section AA., below).

AA. Agritourism events on more than six (7) and up to eighteen (18) days per calendar year at a tract with one or more of the following:

(1) Cider business described under 430-28 (Section 430-28.3 D.).

(2) Farm brewery described under 430-45 (Section 430-45.3 D.).

(3) Sstandard winery described under 430-145.1 (Section 430-145.5 C.).

Events limited to 18 days per calendar year, subject to applicable review procedures and standards found in Section 430.

344-4.2 Permitted Uses which are subject to Section 344-4.3:

F. Home Occupation - Section 430-63. Applications to renew a home occupation do not have to address Section 344-4.3 if that section was addressed in a prior application. A home occupation on high-value farmland shall be operated in the dwelling or other buildings normally associated with uses permitted in the district. A home occupation shall not unreasonably interfere with other uses permitted on surrounding land in the EFU, EFC and AF-20 Districts.

A bed and breakfast facility operated in conjunction with any of the following uses may be processed as a home occupation under Section 430-63:

(1) Cider business (Section 430-28).

(2) Farm brewery (Section 430-45).

(3) at a wWinery described under 430-145.1 or 430-145.2 may be processed as a home occupation subject to Section 430-63-(Section 430-145.4 C).

4. SECTION 430 – SPECIAL USE STANDARDS

In addition to the requirements of Sections 400 through 425, the following special use standards are provided for specific uses. Additional or amended special use standards that are applicable in the North Bethany Subarea of the Bethany Community Plan are located in Section 390, North Bethany Subarea Overlay District.

430-28 Cider Business

A **Cider Business** is a facility used primarily for the commercial production, shipping and distribution, wholesale or retail sales, tasting, crushing, making, blending, storage, bottling, administrative functions or warehousing of cider.

As used in Section 430-28:

Agritourism or other commercial events includes outdoor concerts for which admission is charged, educational, cultural, health or lifestyle events, facility rentals, celebratory gatherings and other events at which the promotion of cider produced in conjunction with the cider business is a secondary purpose of the event. Agritourism and other commercial events allowed at EFU/AF-20 cider businesses by ORS 215 differ from provisions that the state allows counties to adopt for agritourism and other commercial events in connection with other farm uses.

Cider means an alcoholic beverage made from the fermentation of the juice of apples or pears. Cider includes but is not limited to flavored cider, sparkling cider and carbonated cider.

Cidermaker means a person who makes cider.

On-site retail sale includes the retail sale of cider in person at the site of the cider business, through a club, or over the internet or telephone.

Orchard means a piece of land planted with apple or pear trees.

430-28.1 In the EFU and AF-20 Districts, a cider business as described by ORS 215.451, may be established as a permitted use subject to findings and evidence establishing compliance with A. or B. below, and the standards of Section 430-28.2:

A. Produces less than 100,000 gallons of cider annually and;

- (1) Owns an on-site orchard of at least 15 acres;
- (2) Owns a contiguous orchard of at least 15 acres;
- (3) Has a long-term contract for the purchase of all apples or pears from at least 15 acres of an orchard contiguous to the cider business; or
- (4) Obtains apples and pears from any combination of sources described in (1), (2), or (3) of this subsection; or

- B. Produces at least 100,000 gallons of cider annually and:
- (1) Owns an on-site orchard of at least 40 acres;
 - (2) Owns a contiguous orchard of at least 40 acres;
 - (3) Has a long-term contract for the purchase of all apples or pears from at least 40 acres of an orchard contiguous to the cider business;
 - (4) Owns an on-site orchard of at least 15 acres on a tract of at least 40 acres and owns at least 40 additional acres of orchards in Oregon that are located within 15 miles of the cider business site; or
 - (5) Obtains apples and pears from any combination of sources described in (1), (2), (3) or (4) of this subsection.

430-28.2 In the EFU and AF-20 Districts, to limit demonstrated conflicts with accepted farming or forest practices on adjacent lands, approval to establish a cider business as described under Section 430-28.1 is subject to findings and evidence demonstrating:

- A. Establishment of a setback of at least 100 feet from all property lines for the cider business and all public gathering places, except as allowed through Section 435 (Variances and Hardship Relief).
- B. Parking is provided for all activities or uses of the lot, parcel, or tract on which the cider business is established. Parking requirements shall be based on the maximum number of employees at the cider business, the size of the cider business and associated facilities, and the expected number of visitors.
- C. Provision of direct road access for the cider business and all public gathering places, including safety and operational considerations and the standards of Section 501-9.3.
- D. Provision of internal circulation, based upon the maximum number of people at the cider business and associated facilities, including times of special events. Access shall be approved by the appropriate fire district or fire marshal.
- E. Compliance with standards of Section 421 (Flood Plain and Drainage Hazard Area Development) and other standards regarding geologic hazards, solar access, and airport safety, when applicable.
- F. Compliance with standards of Section 422 (Significant Natural Resources) and other regulations for resource protections acknowledged to comply with any Statewide Planning Goal respecting open spaces, scenic and historic areas and natural resources, when applicable.
- G. Compliance with regulations of general applicability for the public health and safety, including County Environmental Health (Health and Human Services) requirements and applicable requirements of Section 501-9 (Limited Application of the Public Facility and Service Standards Outside the UGB).

430-28.3 In addition to producing and distributing cider, cider businesses may conduct the following related activities, consistent with A. through E., below, as applicable.

A. The gross income of the cider business from the sale of incidental items or services provided pursuant to Sections 430-28.3 B.(3) and (4), and D.(1), below, may not exceed 25% of the gross income from the on-site retail sale of malt beverages produced in conjunction with the cider business.

The County may require a written statement, prepared by a certified public accountant, that certifies compliance with this requirement for the previous tax year, with application submittal and/or for periodic submittal as a condition of approval. The gross income of the cider business does not include income received by third parties unaffiliated with the cider business.

B. A cider business established under the standards of this section may:

(1) Market and sell cider produced in conjunction with the cider business.

(2) Conduct operations that are directly related to the sale or marketing of cider produced in conjunction with the cider business, including:

(a) Cider tastings in a tasting room or other location on the premises occupied by the cider business.

(b) Cider club activities.

(c) Cidermaker luncheons and dinners.

(d) Cider business and orchard tours.

(e) Meetings or business activities with cider business suppliers, distributors, wholesale customers and cider industry members.

(f) Cider business staff activities.

(g) Open house promotions of cider produced in conjunction with the cider business.

(h) Similar activities conducted for the primary purpose of promoting cider produced in conjunction with the cider business.

(3) Host charitable activities for which the cider business does not charge a facility rental fee.

(4) Market and sell items directly related to the sale or promotion of cider produced in conjunction with the cider business, the marketing and sale of which is incidental to on-site retail sale of cider, including food and beverages that are:

(a) Required to be made available in conjunction with the consumption of cider on the premises by the Liquor Control Act or rules adopted under the Liquor Control Act; or

(b) Served in conjunction with an activity authorized by Section 430-28.3 B.(2) or (3).

C. Subject to submittal and approval of an application for a Type II home occupation permit via Section 430-63, cider businesses established under the standards of this section may operate a bed and breakfast facility in association with the cider business and on the same tract as the cider business, and may:

(1) Prepare two meals per day for the registered guests of the bed and breakfast facility.

(2) Serve the meals at the bed and breakfast facility or at the cider business.

As an alternative to the above, the applicant may request bed and breakfast approval through Type II Room and Board provisions of Section 340-4.2 N. or 344-4.2 N.

D. In addition to activities allowed under 430-28.3 B. and C., above, a cider business established by the standards of this section may:

(1) Carry out agritourism or other commercial events on the tract occupied by the cider business subject to Section 430-28.4, below.

(2) Include on-site kitchen facilities licensed by the Oregon Health Authority under ORS 624.010 to 624.121 for the preparation of food and beverages described in Section 430-28.3 B.(4) or D.(1). Food and beverage services authorized under this subsection may not utilize menu options or meal services that cause the kitchen facilities to function as a café or other dining establishment open to the public.

430-28.4 Standards for agritourism or other commercial events on a tract occupied by a cider business described under 430-28.1:

A. The cider business may carry out up to 18 days of agritourism or other commercial events annually on the tract occupied by the cider business, subject to the following:

(1) Agritourism or other commercial events and services, including marketing and sale of food, beverages, and incidental items in conjunction with these, are subordinate to the production and sale of cider.

(2) Income cap requirements described under Section 430-28.3 A. apply, including certification of compliance from a certified public accountant.

(3) Conditions related to number of event attendees, hours of event operation, access and parking, traffic management, sanitation and solid waste may be applied – Section 430-28.4 C.(3).

(4) A license pursuant to 430-28.4 B. and/or a permit pursuant to 430-28.4 C. is required, whichever is applicable.

B. Events on the first six days of the 18-day limit per calendar year must be authorized by the County through a renewable license with a term of five years. The County's decision on a license under Subsection 430-28.4 B. is not a land use decision as defined in ORS 197.015.

- C. Events on days seven through the maximum of 18 per calendar year must be authorized by the County via approval of an application for a renewable multiyear permit with a term of five years, subject to:
- (1) Type II land use review to determine conditions necessary to ensure compliance with 430-28.4 C.(3), below.
 - (2) Evidence that a license, as required under 430-28.4 B., was obtained for events on the first six days of the 18-day limit.
 - (3) As necessary to ensure that agritourism or other commercial events on a tract occupied by a cider business are subordinate to the production and sale of cider and do not create significant adverse impacts to uses on surrounding land, the County may impose conditions related to:
 - (a) The number of event attendees.
 - (b) The hours of event operation.
 - (c) Access and parking.
 - (d) Traffic management.
 - (e) Noise management.
 - (f) Sanitation and solid waste.

430-45 Farm Brewery

A **Farm Brewery** is a facility located on or contiguous to a hop farm, used primarily for the commercial production, shipping and distribution, wholesale or retail sales, or tasting of malt beverages made with ingredients grown on the hop farm.

As used in Section 430-45:

Agritourism or other commercial events includes outdoor concerts for which admission is charged; educational, cultural, health or lifestyle events; facility rentals; celebratory gatherings; and other events at which the promotion of malt beverages produced in conjunction with the farm brewery is a secondary purpose of the event. Agritourism and other commercial events allowed at EFU/AF-20 farm breweries by ORS 215 differ from provisions that the state allows counties to adopt for agritourism and other commercial events in connection with other farm uses.

Brewer means a person who makes malt beverages.

Hop farm means a tract of land planted with hops.

Malt beverage means an alcoholic beverage obtained from fermented grain, consistent with the alcohol by volume requirements in ORS 471.001.

On-site retail sale includes the retail sale of malt beverages in person at the farm brewery site, through a club, or over the internet or telephone.

430-45.1 In the EFU and AF-20 Districts, a farm brewery as described by ORS 215.449 may be established as a permitted use subject to findings and evidence establishing compliance with A., B. and C. below, and the standards of Section 430-45.2:

- A. Produces less than 150,000 barrels of malt beverages annually, inclusive of malt beverages produced by the farm brewery's owners or operators at the farm brewery or elsewhere, through any entity owned or affiliated with the farm brewery;
- B. Produces less than 15,000 barrels of malt beverages annually on the farm brewery site; and
- C. (1) Owns an on-site hop farm of at least 15 acres;
(2) Owns a contiguous hop farm of at least 15 acres;
(3) Has a long-term contract for the purchase of all hops from at least 15 acres of a hop farm contiguous to the farm brewery; or
(4) Obtains hops from a total of 15 acres from any combination of sources described in (1), (2), or (3) of this subsection.

For purposes of this standard, land planted with other ingredients used in malt beverages produced by the farm brewery counts toward the acreage minimums.

430-45.2 In the EFU and AF-20 Districts, to limit demonstrated conflicts with accepted farming or forest practices on adjacent lands, approval to establish a farm brewery as described under Section 430-45.1 is subject to findings and evidence demonstrating:

- A. Establishment of a setback of at least 100 feet from all property lines for the farm brewery and all public gathering places, except as allowed through Section 435 (Variances and Hardship Relief).
- B. Parking is provided for all activities or uses of the lot, parcel, or tract on which the farm brewery is established. Parking requirements shall be based on the maximum number of employees at the farm brewery, the size of the farm brewery and associated facilities, and the expected number of visitors.
- C. Provision of direct road access for the farm brewery and all public gathering places, including safety and operational considerations and the standards of Section 501-9.3.
- D. Provision of internal circulation, based upon the maximum number of people at the farm brewery and associated facilities, including times of special events. Access shall be approved by the appropriate fire district or fire marshal.
- E. Compliance with standards of Section 421 (Flood Plain and Drainage Hazard Area Development) and other standards regarding geologic hazards, solar access, and airport safety, when applicable.

F. Compliance with standards of Section 422 (Significant Natural Resources) and other regulations for resource protections acknowledged to comply with any Statewide Planning Goal respecting open spaces, scenic and historic areas and natural resources, when applicable.

G. Compliance with regulations of general applicability for the public health and safety, including County Environmental Health (Health and Human Services) requirements and applicable requirements of Section 501-9 (Limited Application of the Public Facility and Service Standards Outside the UGB).

430-45.3 In addition to producing and distributing malt beverages, farm breweries may conduct activities consistent with A. through D. below, as applicable.

A. The gross income of the farm brewery from the sale of incidental items or services provided pursuant to Sections 430-45.3 B.(3) and (4), and D.(1), below, may not exceed 25% of the gross income from the on-site retail sale of malt beverages produced in conjunction with the farm brewery.

The County may require a written statement, prepared by a certified public accountant, that certifies compliance with this requirement for the previous tax year, with application submittal and/or for periodic submittal as a condition of approval. The gross income of the farm brewery does not include income received by third parties unaffiliated with the farm brewery.

B. A farm brewery established under the standards of this section may:

(1) Market and sell malt beverages produced in conjunction with the farm brewery.

(2) Conduct operations that are directly related to the sale or marketing of malt beverages produced in conjunction with the farm brewery, including:

(a) Malt beverage tastings in a tasting room or other location on the premises occupied by the farm brewery.

(b) Malt beverage club activities.

(c) Brewer luncheons and dinners.

(d) Farm brewery and hop farm tours.

(e) Meetings or business activities with farm brewery suppliers, distributors, wholesale customers and malt beverage industry members.

(f) Farm brewery staff activities.

(g) Open house promotions of malt beverages produced in conjunction with the farm brewery.

(h) Similar activities conducted for the primary purpose of promoting malt beverages produced in conjunction with the farm brewery.

(3) Host charitable activities for which the farm brewery does not charge a facility rental fee.

- (4) Market and sell items directly related to the sale or promotion of malt beverages produced in conjunction with the farm brewery, the marketing and sale of which is incidental to on-site retail sale of malt beverages, including food and beverages that are:
 - (a) Required to be made available in conjunction with the consumption of malt beverages on the premises by the Liquor Control Act or rules adopted under the Liquor Control Act; or
 - (b) Served in conjunction with an activity authorized by Section 430-45.3 B.(2) or (3).

C. Subject to submittal and approval of an application for a Type II home occupation permit via Section 430-63, farm breweries established under the standards of this section may operate a bed and breakfast facility in association with the farm brewery and on the same tract as the farm brewery, and may:

- (1) Prepare two meals per day for the registered guests of the bed and breakfast facility.
- (2) Serve the meals at the bed and breakfast facility or at the farm brewery.

As an alternative to the above, the applicant may request bed and breakfast approval through Type II Room and Board provisions of Section 340-4.2 N. or 344-4.2 N.

D. In addition to activities allowed under 430-45.3 B. and C., above, a farm brewery established by the standards of this section may:

- (1) Carry out agritourism or other commercial events on the tract occupied by the farm brewery subject to Section 430-45.4, below.
- (2) Include on-site kitchen facilities licensed by the Oregon Health Authority under ORS 624.010 to 624.121 for the preparation of food and beverages described in Section 430-45.3 B.(4) or D.(1). Food and beverage services authorized under this subsection may not utilize menu options or meal services that cause the kitchen facilities to function as a café or other dining establishment open to the public.

430-45.4 Standards for agritourism or other commercial events on a tract occupied by a farm brewery described under 430-45.1:

A. The farm brewery may carry out up to 18 days of agritourism or other commercial events annually on the tract occupied by the farm brewery, subject to the following:

- (1) Agritourism or other commercial events and services, including marketing and sale of food, beverages, and incidental items in conjunction with these, are subordinate to the production and sale of malt beverages.
- (2) Income cap requirements described under Section 430-45.3 A. apply, including certification of compliance from a certified public accountant.

- (3) Conditions related to number of event attendees, hours of event operation, access and parking, traffic management, sanitation and solid waste may be applied – Section 430-45.4 C.(3).
 - (4) A license pursuant to 430-45.4 B. and/or a permit pursuant to 430-45.4 C. is required, whichever is applicable.
- B. Events on the first six days of the 18-day limit per calendar year must be authorized by the County through a renewable license with a term of five years. The County's decision on a license under 430-45.3 B. is not a land use decision as defined in ORS 197.015.
- C. Events on days seven through the maximum of 18 per calendar year must be authorized by the County via approval of an application for a renewable multiyear permit with a term of five years, subject to:
- (1) Type II land use review to determine conditions necessary to ensure compliance with 430-45.4 C.(3), below.
 - (2) Evidence that a license, as required under 430-45.4 B., was obtained for events on the first six days of the 18-day limit.
 - (3) As necessary to ensure that agritourism or other commercial events on a tract occupied by a farm brewery are subordinate to the production and sale of malt beverages and do not create significant adverse impacts to uses on surrounding land, the County may impose conditions related to:
 - (a) The number of event attendees.
 - (b) The hours of event operation.
 - (c) Access and parking.
 - (d) Traffic management.
 - (e) Noise management.
 - (f) Sanitation and solid waste.

430-63 Home Occupation

A home occupation is a lawful activity operated ~~carried on~~ within a dwelling by a member or members of the family who occupy the dwelling, where the occupation is secondary to the use of the dwelling for living purposes and the residential character of the dwelling is maintained. Bed and breakfast facilities serving five or fewer persons are permitted as a Type I Home Occupation in all districts except the Institutional, EFU, EFC and AF-20 Districts (Section 430-63.1 C. does not apply to bed and breakfast facilities). Pursuant to Section 430-145.4 C., a bed and breakfast facility serving five or fewer persons, in association with and on the same tract as a cider business described under Section 430-28.1, a farm brewery described under Section 430-45.1, or a winery described under Section 430-145.1 or 430-145.2, is permitted as a Type II Home Occupation in the EFU and AF-20 Districts (Section 430-63.2 D.(2) does not apply). Bed and breakfast facilities serving more than five

persons are subject to the standards of Section 430-19 - Boarding House (including Bed and Breakfast facilities for more than five persons).

430-63.2 Home Occupation - Type II

A Type II Home Occupation shall:

D. Including storage of materials and products, occupy:

- (2) Outside the UGB
 - (a) Not more than 1,000 square feet or 25 percent of a dwelling or lawful accessory structure, whichever is greater; or
 - (b) An area exceeding the above maximums by up to 10 percent, when requested by an applicant with a disability.

For purposes of Section 430-63.2 D.(2), a “dwelling” includes the basement and attached garage. Areas used only for storage of farm equipment or farm vehicles are not considered as part of the maximum allowed home occupation space.
