Adoption of ORS 215.283(4) aka SB 960
Adoption of related/helpful statutes
Spectrum of permissible activities in EFU Zones

There are various ways that special events and activities may be allowed on EFU lands.

- Farm Use: such as U Pick & U Cut
- Farm Stands with promotional activities
- Small or “other” gatherings
- Mass Gatherings
- Agri-tourism
- Wineries

Agri-tourism: Policy Wonderland
<table>
<thead>
<tr>
<th>Types of Use</th>
<th>Commercial Activities with farm use</th>
<th>Room &amp; Board</th>
<th>Mass Gathering</th>
<th>Farm Buildings</th>
<th>Farm Stand</th>
<th>Home Occupation</th>
<th>Private Park</th>
<th>Guest Ranch</th>
<th>Other commercial events</th>
<th>Wineries</th>
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<tbody>
<tr>
<td><strong>Types of Agritourism</strong></td>
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<td>Fishing &amp; Hunting</td>
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<td>Education</td>
<td>Farm tours &amp; demonstrations</td>
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<td>Wine tasting &amp; tours</td>
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<td>Agri-ertainment</td>
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<td>Food Service</td>
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<td>Limited food service for tastings. Catered food service permitted</td>
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<td>Accommodations</td>
<td>Room &amp; board for up to 5 unrelated persons in existing residence who are working on the farm.</td>
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<td>camping in a limited number of tents or yurts up to 25 units</td>
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<td>Sales</td>
<td>U-picks, CSA, fertilizer &amp; seed</td>
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<td>Farm stand sales</td>
<td>raw &amp; processed farm products</td>
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<td>Wine &amp; Incidental</td>
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<td>Celebratory Events</td>
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<td>Weddings &amp; retreats</td>
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Farm Use

Farm Use (ORS 215.203)
**Definitions:** Statute allows direct sales and direct marketing of farm crops

**Types of Allowable uses:** (may be subject to County Review) Direct sales & marketing
- U-Pick
- U-Cut
- Christmas Tree Sales
- Community Supported Agriculture

**Limitations/requirements:** Limited to crops grown/harvested on site
Farm Stands

Farm Use (ORS 215.283 (1)(o)

Definition: Farm stands are structures “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...”
Farm Stands (cont)

**Types of Allowable Uses:** Direct sales of farm crops and livestock produced on the farm or other farms in Oregon & retail incidental items

“Fee based activity to promote the sale of farm crops...” could include a variety of uses:

- Small-scale gatherings (birthdays & picnics)
- Corn mazes
- School tours
- Pumpkin patch rides
- Hay rides
- Farm animal exhibits
- Farm product food demonstrations
- Farm to Table dinners (outdoors)
Farm Stands (cont)

Limitations/Requirements:
Specifically does not include temporary or permanent structures:
~ designed for occupancy as a residence or for activity other than the sale of farm crops or livestock
~ for banquets, public gatherings and public events

Annual sales of incidental items and fees from promotional activities limited to 25% of total annual farm stand sales.
Outdoor Mass Gatherings

ORS 433.735 (1), ORS 433.750, ORS 433.755, ORS 433.763 (1)

**Definition:** State statute defines “outdoor mass gatherings” to mean an anticipated assembly of more than 3,000 persons which continues or can reasonably be expected to continue for more than 24 consecutive hours but less than 120 hours within any three month period.

Other gatherings are an assembly of 3,000 or fewer persons not anticipated to continue for more than 120 hours in any three month period.

Counties are allowed to make modifications to this definition (e.g., “large gatherings” in Marion County)
Outdoor Mass Gatherings (cont)

Types of Allowable Uses:
• Concerts
• Festivals
• Fairs
• Carnivals

Limitations/Requirements: Mass Gatherings are subject to review by the planning commission and must:
• Demonstrate compatibility with existing land use issues
• Not materially alter stability of land use pattern of the area
• No permanent structures are allowed

Agri-tourism & other commercial events may not be permitted as mass gatherings under 215.283 (4)
Agri-tourism key provisions

Established by Senate Bill 960 in 2011 for the purpose “agri-tourism and other commercial events and activities related to and supportive of agriculture”

- Counties can choose to adopt these regulations, in whole or in part

- Must be “incidental and subordinate to existing farm use.”

- Different approvals for the different levels or intensities of events, increasing as the intensity of events increases.
  
  a single expedited event license vs land use permits for multiple events
Agri-tourism key provisions (cont)

Required impact findings that the use will not:
- Force a significant change in accepted farm and forest practices on surrounding lands
- Significantly increase the cost of accepted farm and forest practices on surrounding lands
Agri-tourism / Commercial Events or Activities
ORS 215.283(4)

**Definition:** State law does not specifically define the term “Agri-tourism” or specific activities and events that could be considered agri-tourism. Customary Definition is: Any commercial enterprise at a working farm or ranch conducted for the enjoyment of visitors that generates supplemental income for the owner.

The regulations apply to “agri-tourism and other commercial events and activities related to and supportive of agriculture.”
Agri-tourism etc. (cont)

Types of Allowable Uses: Statute is not clear about the types of events and activities that might be allowed. Possibilities could include activities related to:

• Education
• Entertainment
• Hospitality
• Outdoor recreational

More specific activities might be:

• Cooking classes using farm products
• School tours
• Farm / Garden / Nursery tours and stays
• Festivals / Harvest days
• Pony rides / Petting zoo / Corn maze / Pumpkin patch and catapult contest
• Musical events
• Farm-to-table dinners
Limitations/Restrictions: State law requires that the activities and events must be “related to and supportive of agriculture” and be “incidental and subordinate to existing farm use.”

State law provides for:
- 1 event expedited license
- 1 event land use permit
- up to 6 events land use permit
- up to 18 events land use permit

All are subject to conditions set by the local jurisdiction, such as:
- Parking
- Noise
- Sanitation
- Signage
But wait, there’s more...

Depending on the type of event or activity you’re conducting you’ll need additional permits, some of the most common come from the following agencies:

• Oregon Department of Agriculture
• County Health Department
• Fire Marshall
• OLCC
Want to learn more or help build a map through wonderland? Join the policy work group!

Have additional questions? Send an email to erika@plateandpitchfork.com

Thank you!