

Background Information



Oregon statute pertaining to agri-tourism in EFU zones -- Oregon Revised Statute 215.283(4).

It can be found at: https://www.oregonlegislature.gov/bills_laws/ors/ors215.html

OREGON REVISED STATUTE - 215.283(4)

215.283

Uses permitted in exclusive farm use zones in nonmarginal lands counties; rules.

- (4) The following agri-tourism and other commercial events or activities that are related to and supportive of agriculture may be established in any area zoned for exclusive farm use:
- (a) A county may authorize a single agri-tourism or other commercial event or activity on a tract in a calendar year by an authorization that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract, if the agri-tourism or other commercial event or activity meets any local standards that apply and:
 - (A) The agri-tourism or other commercial event or activity is incidental and subordinate to existing farm use on the tract;
 - (B) The duration of the agri-tourism or other commercial event or activity does not exceed 72 consecutive hours;
 - (C) The maximum attendance at the agri-tourism or other commercial event or activity does not exceed 500 people;
 - (D) The maximum number of motor vehicles parked at the site of the agri-tourism or other commercial event or activity does not exceed 250 vehicles;
 - (E) The agri-tourism or other commercial event or activity complies with ORS 215.296;
 - (F) The agri-tourism or other commercial event or activity occurs outdoors, in temporary structures, or in existing permitted structures, subject to health and fire and life safety requirements; and
 - (G) The agri-tourism or other commercial event or activity complies with conditions established for:
 - (i) Planned hours of operation;
 - (ii) Access, egress and parking;
 - (iii) A traffic management plan that identifies the projected number of vehicles and any anticipated use of public roads; and
 - (iv) Sanitation and solid waste.
 - (b) In the alternative to paragraphs (a) and (c) of this subsection, a county may authorize, through an expedited, single-event license, a single agri-tourism or other commercial event or activity on a tract in a calendar year by an expedited, single-event license that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract. A decision concerning an expedited, single-event license is not a land use decision, as defined in ORS 197.015. To approve an expedited, single-event license, the governing body of a county or its

designee must determine that the proposed agri-tourism or other commercial event or activity meets any local standards that apply, and the agri-tourism or other commercial event or activity:

- (A) Must be incidental and subordinate to existing farm use on the tract;
 - (B) May not begin before 6 a.m. or end after 10 p.m.;
 - (C) May not involve more than 100 attendees or 50 vehicles;
 - (D) May not include the artificial amplification of music or voices before 8 a.m. or after 8 p.m.;
 - (E) May not require or involve the construction or use of a new permanent structure in connection with the agri-tourism or other commercial event or activity;
 - (F) Must 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) Must comply with applicable health and fire and life safety requirements.
- (c) In the alternative to paragraphs (a) and (b) of this subsection, a county may authorize up to six agri-tourism or other commercial events or activities on a tract in a calendar year by a limited use permit that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract. The agri-tourism or other commercial events or activities must meet any local standards that apply, and the agri-tourism or other commercial events or activities:
- (A) Must be incidental and subordinate to existing farm use on the tract;
 - (B) May not, individually, exceed a duration of 72 consecutive hours;
 - (C) May not require that a new permanent structure be built, used or occupied in connection with the agri-tourism or other commercial events or activities;
 - (D) Must comply with ORS 215.296;
 - (E) May 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
 - (F) Must comply with conditions established for:
 - (i) The types of agri-tourism or other commercial events or activities that are authorized during each calendar year, including the number and duration of the agri-tourism or other commercial 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 agri-tourism or other commercial events or activities;
 - (iii) The location of access and egress and parking facilities to be used in connection with the agri-tourism or other commercial 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.
- (d) In addition to paragraphs (a) to (c) of this subsection, a county may authorize agri-tourism or other commercial events or activities that occur more frequently or for a longer period or that do not otherwise comply with paragraphs (a) to (c) of this subsection if the agri-tourism or other commercial events or activities comply with

any local standards that apply and the agri-tourism or other commercial events or activities:

- (A) 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;
 - (B) Comply with the requirements of paragraph (c)(C), (D), (E) and (F) of this subsection;
 - (C) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size; and
 - (D) Do not exceed 18 events or activities in a calendar year.
- (5) A holder of a permit authorized by a county under subsection (4)(d) of this section must request review of the permit at four-year intervals. Upon receipt of a request for review, the county shall:
- (a) Provide public notice and an opportunity for public comment as part of the review process; and
 - (b) Limit its review to events and activities authorized by the permit, conformance with conditions of approval required by the permit and the standards established by subsection (4)(d) of this section.
- (6) For the purposes of subsection (4) of this section:
- (a) A county may authorize the use of temporary structures established in connection with the agri-tourism or other commercial events or activities authorized under subsection (4) of this section. However, the temporary structures must be removed at the end of the agri-tourism or other event or activity. The county may not approve an alteration to the land in connection with an agri-tourism or other commercial event or activity authorized under subsection (4) of this section, including, but not limited to, grading, filling or paving.
 - (b) The county may issue the limited use permits authorized by subsection (4)(c) of this section for two calendar years. When considering an application for renewal, the county shall ensure compliance with the provisions of subsection (4)(c) of this section, any local standards that apply and conditions that apply to the permit or to the agri-tourism or other commercial events or activities authorized by the permit.
 - (c) The authorizations provided by subsection (4) of this section are in addition to other authorizations that may be provided by law, except that “outdoor mass gathering” and “other gathering,” as those terms are used in ORS 197.015 (10)(d), do not include agri-tourism or other commercial events and activities.