



Farm Stands, Agri-Tourism, Wineries and Mass Gatherings

Rules and Regulations in Oregon

A continuum of allowable uses in EFU zones

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

Some are reflected on the continuum line below.



Farm Use
e.g., U-pick and
U-cut farm
crops

Farm Stands with
Promotional Activities
Small or (other) Gatherings

Mass Gatherings
Agri-tourism
Wineries

Farm Use

	Definitions (State or County Law)	Types of Allowable Uses (may be subject to County review)	Limitations / Requirements
Farm Use (ORS 215.203)	Statute allows direct sales and direct marketing of farm crops	Direct sales & marketing <ul style="list-style-type: none">• U-Pick• U-Cut• Christmas tree sales• Community Supported Agriculture (CSA's)	Limited to crops grown/harvested on site.



Farm Stands

	Definitions (State or County Law)
Farm Stands (ORS 215.283(1)(o)) (OAR 660-033-0130(23))	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

Types of Allowable Uses	Limitations / Requirements
<p>Direct sales of farm crops and livestock produced on the farm or other farms in Oregon and retail incidental items.</p> <p>“Fee based activity to promote the sale of farm crops sold at the farm stand...” could potentially include a variety of uses, as follows (based on recent Bella Organics Ct. of Appeals case):</p> <ul style="list-style-type: none">• small-scale gatherings (birthdays, picnics)• corn mazes• school tours• pumpkin patch rides• hayrides• farm animal exhibits• farm product food contests and food preparation demonstrations• farm to fork dinners (outdoors)	<p>Specifically does not include temporary or permanent structures:</p> <ul style="list-style-type: none">• designed for occupancy as a residence or for activity other than the sale of farm crops or livestock• for banquets, public gatherings and public entertainment <p>Annual sales of incidental items and fees from promotional activities limited to 25% of total annual farm stand retail sales.</p>



Outdoor Mass Gatherings

	Definitions (State or County Law)
Outdoor Mass Gatherings ORS 433.735(1) ORS 433.750 ORS 433.755 ORS 433.763(1) OAR 660-033-0130(33) OAR 660-033-0130(34)	<p>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.</p> <p>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.</p> <p>Counties are allowed to make modifications to this definition (e.g., “large gatherings” in Marion County)</p>



Outdoor Mass Gatherings

Types of Allowable Uses	Limitations / Requirements
<ul style="list-style-type: none">• Concerts• Festivals• Fairs• Carnivals	<ul style="list-style-type: none">• Mass Gatherings<ul style="list-style-type: none">○ Subject to review by the Planning Commission<ul style="list-style-type: none">■ Demonstrate compatibility with existing land uses■ Not materially alter stability of land use pattern of the area■ No permanent structures are allowed• Small or “Other” Gatherings<ul style="list-style-type: none">○ Not subject to review (e.g. not a “land use decision”) <p>Agri-tourism and other commercial events or activities may not be permitted as mass gatherings under 215.283(4)</p>



Agri-Tourism Key Provisions

“agri-tourism and other commercial events and activities related to and supportive of agriculture”

- Established by Senate Bill 960 in 2011
- 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 event license
 - land use permits
 - for a single event
 - up to 6 events
 - up to 18 events
- 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

	Definitions (State or County Law)
Agri-tourism / Commercial Events or Activities (ORS 215.283(4))	<p>State law does not specifically define the term “Agri-tourism” or specific activities and events that could be considered agri-tourism.</p> <p>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.</p> <p>The regulations apply to “agri-tourism and other commercial events and activities related to and supportive of agriculture.”</p>



Agri-tourism / Commercial Events or Activities

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



Agri-tourism / Commercial Events or Activities

Limitations / Requirements

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
- etc.

No limitation on annual sales to farm income



Winery Legislation History

- ❑ Regulations relating to agri-tourism events at wineries approved in 2011 & 2013. Expanded the list of allowable activities.
- ❑ Generally more permissive than the 2011 agri-tourism legislation.
- ❑ Wineries legislation is now in effect.



Wineries

	Definitions (State or County Law)
<p>Wineries</p> <p>ORS 215.452 (smaller wineries)</p> <p>ORS 215.453 (large wineries)</p>	<p>Small Winery</p> <ul style="list-style-type: none"> • Less than 50,000 gallons on at least 15 acres • More than 50,000 gallons on at least 40 acres <p>Large Winery</p> <ul style="list-style-type: none"> • At least 150,000 gallons on 80 acres or more <p>“Agri-tourism or other commercial events” in conjunction with wineries includes:</p> <ul style="list-style-type: none"> • Outdoor concerts for which admission is charged • Educational, cultural, health or lifestyle events • Facility rentals • Celebratory gatherings • Other events <p>The promotion of wine produced in conjunction with the winery is a secondary purpose of the event.</p>



Wineries

Types of Allowable Uses

Operations that are directly related to the sale or marketing of wine produced in conjunction with the winery -- (Includes limited service restaurants and sale of incidental items directly related to onsite wine sales).

2011 and 2013 legislation added allowances for:

- Agri-tourism or other commercial events
- Charitable activities for which the winery does not charge a facility rental fee
- Clarified food/beverage provisions associated with B&B's at wineries

Winery activities may include:

- Wine Tour / Tasting
- Wine club meetings
- Winemaker luncheons/dinners
- Business activities for wine industry professionals
- Open Houses to promote wine
- B&B / Room & Board facilities
- Educational, health, lifestyle events



Wineries

Limitations / Requirements

Agritourism/commercial event/charitable activities are allowed:

- up to 18 days per year for smaller wineries
 - 1 - 6 days not a land use decision
 - 7-18 days land use permit
- up to 25 days per year for larger wineries (restaurants may be 25+ days)
 - land use permit is required

Both 7-18 and over 25 day applications must address potential impacts and must:

- Be subordinate to the production and sale of wine
- Not create significant adverse impacts to uses on surrounding land

Income from limited service restaurants and sale of incidental items must not exceed 25% of income from wine sales.



What happens if the County does not implement agri-tourism provisions authorized by SB 960?

- Current conditions will continue
- Some commercial events would continue on farms, including:
 - Farm stands with promotional activities
 - Outdoor mass and other gatherings
 - Winery related events

