



January 31, 2014

LONG RANGE PLANNING ISSUE PAPER NO. 2014-02

Agri-tourism

Issue

In 2011 State law was amended to allow counties to develop standards authorizing “agri-tourism” uses. This legislation creates a process by which the County may conditionally approve “*agri-tourism and other commercial events and activities related to and supportive of agriculture*” in areas zoned for exclusive farm use (EFU and AF-20), including areas designated as rural or urban reserves. All uses must be “*incidental and subordinate to the farm use.*” This permitting process could possibly make it easier for exclusive farm land to be used for a variety of agri-tourism activities and events.

The provisions of SB 960 are optional, in that the County may choose whether or not to adopt these regulations, in whole or in part. Regulations relating to agri-tourism events at wineries were approved in 2011 and 2013, and are generally more permissive than the 2011 agri-tourism legislation. Wineries legislation is mandatory and is now in effect.

The issue is whether or not Washington County would like to adopt some form of regulations regarding agri-tourism. If agri-tourism regulations are deemed necessary or desirable, a number of issues would then need to be addressed, including how closely to follow state law provisions and the various requirements and procedures to be followed.

As part of the 2013 Work Program, direction was given to undertake a scoping process for agri-tourism, including a public involvement strategy, to investigate options for implementation of the agri-tourism legislation. This process involved identifying both issues and benefits should the County decide to move forward to develop an agri-tourism program. Scoping and initial public input has occurred, though additional input is being sought from additional stakeholders.

Recommendation

Direct staff to release the Agri-tourism Issue Paper by January 31, 2014, and include Agri-tourism as a Tier 1 task in the draft 2014-15 Work Program scheduled to be released February 18, 2014. Solicit comments on the Issue Paper and make a final decision as part of the adoption of the 2014-15 Work Program in April 2014.

Overview of Report

This paper provides background information on agri-tourism, summarizes SB 960, and provides an analysis of implications for Washington County. The section on implications includes a discussion on the definition of agri-tourism, benefits and issues identified in the public engagement process, the experience of other Oregon counties, and implications for wineries. Additional information on these issues is provided in Attachments A-E.

Background

SB 960, adopted by the Oregon legislature in 2011, creates opportunities for residents of exclusive farm zones to conduct “*agri-tourism and other commercial events or activities that are related to and supportive of agriculture.*” Exclusive Farm Districts in Washington County include areas designated Exclusive Farm Use (EFU) and Agriculture and Forestry (AF-20.)

The provisions of SB 960 are optional, in that the County may choose whether or not to adopt these regulations, in whole or in part. Recent legislation specific to agri-tourism events at wineries was passed in 2011 (HB 3280) and 2013 (HB 841). Agri-tourism events at wineries can either be conducted under the wineries legislation (ORS 215.452) **or** under this agri-tourism legislation (ORS 215.213), but not both.

Currently, a variety of uses and activities are allowed in the Exclusive Farm Districts (EFU and AF-20.) For example, some local farms provide direct sales, U-picks, and may hold activities (corn maze, hay rides, pumpkin patches, etc.) as part of the farm use. Generally, these activities are allowed provided they are incidental to the commercial farm use of the property. These uses are at one end of a continuum of allowable uses, with agri-tourism associated with wineries at the other end. Between these two extremes lie a number of other uses and events allowed in EFU and AF-20, such as farm stands and private parks.



FARM USE
e.g., U-Pick,
Christmas
Trees

FARM STANDS
PRIVATE PARKS
OUTDOOR MASS GATHERINGS
EVENT PERMITS
ROOM AND BOARD
ARRANGEMENTS
LIVING HISTORY MUSEUMS

RECENT
WINERIES
LEGISLATION
AND
AGRI-TOURISM

If adopted by the County, Agri-tourism would likely lie on the far end of the continuum and could allow additional events to be held in the exclusive farm districts, subject to conditions determined by the Board. Other events and activities are allowed in the Exclusive Forest and Conservation District (EFC), which forms the majority of the remainder of the rural area. A listing and description of the variety of allowable uses and events in the rural area are shown in Attachment A.

Summary of Senate Bill (SB) 960-A (Agri-tourism)

As a broad overview, SB 960 allows counties to create additional opportunities for residents of exclusive farm districts (EFU and AF-20) to conduct “*agritourism and other commercial events and activities that are related to and supportive of agriculture.*” Following are some key provisions of the legislation:

- **All uses must comply with applicable local standards and be “*incidental and subordinate to existing farm use.*”**
- The law provides for different approvals, ranging from a single event *license*, to *land use permits* for a single event, up to 6 events and finally up to 18 events. Slightly different requirements are laid out for the different levels or intensities of events, increasing as the intensity of events increases.
- All except for the single event *license* require impact findings to be made. Impact findings require that the use will not “(a) *force a significant change in accepted farm and forest practices on surrounding lands devoted to farm and forest use; or (b) significantly increase the cost of accepted farm and forest practices on surrounding lands devoted to farm and forest use.*”
- For the 18 event permit, an additional finding is required to be made, that the allowable events will not “*in combination with other agri-tourism or other commercial events authorized in the area, materially alter the stability of the land use pattern in the area.*”
- While temporary structures and existing permitted structures may be used for agri-tourism, no new permanent buildings may be constructed nor physical alteration to the land (e.g., grading, fill, paving) made.
- Agri-tourism uses must comply with conditions established to address potential impacts, including:
 - Types of events including number and duration, daily attendance and hours of operation;
 - Location of existing structures and proposed temporary structures;
 - Access, egress, parking facilities and traffic management;
 - Sanitary and solid waste; and
 - Other local requirements

- The authorizations in this legislation are in addition to other authorizations, except that ‘outdoor mass gathering’ and ‘other gathering’ do not include agri-tourism or other commercial events and activities.
- Wineries may use either the provisions of this legislation **or** those found in the wineries legislation, but not both.

See Attachment B for more detail on the provisions of SB 960.

Analysis

What is “Agri-Tourism”?

SB 960 did not specifically define the term Agri-tourism. The bill applies to “*agri-tourism and other commercial events and activities related to and supportive of agriculture.*” It clearly states that the uses must be “*related to and supportive of agriculture*” and be “*incidental and subordinate to existing farm use.*” However, the legislation goes no further in defining the term or specific activities or events that could be considered agri-tourism.

Various possible definitions of the term agri-tourism exist nationally and internationally, including:

- “Agri-tourism 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...” (Oregon Revised Statutes SB 841B re: Wineries)
- The act of visiting a working farm or any agricultural, horticultural or agri-business operation for the purpose of enjoyment, education or active involvement in the activities of the farm or operation. (University of California’s Small Farm Center)
- Travel which combines rural settings with products of agricultural operations within a tourism experience that is paid for by visitors (Canadian Farm Business Management Council)
- Basically any activity that brings visitors to a farm or ranch. (US Farm Bureau)
- A commercial enterprise at a working farm or ranch conducted for the enjoyment of visitors that generates supplemental income for the owner. (UC Small Farm program)

Agri-tourism as a **commercial** event or activity has been interpreted to mean an enterprise where a fee is charged, therefore it **would not apply to family gatherings** (weddings, reunions, celebratory events) or other events where there is no fee or remuneration of any form. When a property owner collects a fee or other form of compensation from holding or allowing an event on his/her property, it is considered a business or commercial enterprise. This includes only being compensated for expenses the property owner incurred from the event.

Possible examples of the types of events and activities that might constitute agri-tourism include:

Possible Examples	
Educational experiences	Cooking classes using products from the farm, habitat introduction programs, school tours, garden/nursery tours, craft classes/shows
Entertainment	Festivals, harvest days, pony rides/rentals, corn maze, pumpkin patch and catapult, petting zoo, rodeo, musical events/concerts, lavender festivals & tours
Hospitality services	Corporate picnic / conference / retreat, farm-to-table dinners, farm tours & stays, weddings?
Outdoor Recreation	Sporting events [e.g., running, cycling, orienteering, extreme races (24-72 hrs)], hunting and fishing

From this listing it can be seen that there is some overlap between agri-tourism and other events and activities potentially allowed under existing regulations.

Public Engagement Process

On the evenings of December 5, 2013 and January 9, 2014, Long Range Community Planning staff held meetings with an ad hoc Technical Advisory Group (TAG) to help scope the impacts and benefits of adopting some or all of Senate Bill 960A (Agri-tourism). More than 15 people, representing a wide variety of interests and perspectives, attended each meeting and participated in productive and informative discussions. A summary of the Public Engagement Strategy, including a list of attendees, is included in Attachment C.

Staff has also met individually with a number of stakeholders to learn about what other issues should be considered in determining whether to move forward with agri-tourism in Washington County. Staff met with representatives from the Sheriff's Office, Tualatin Valley Fire & Rescue, Washington County Rural Fire District #2, the Building Official, the Washington County Visitor's Association, Rural Roads Operations and Maintenance Advisory Committee, the Cities of Banks and North Plains, and the Farm Bureau. Staff has also met with staff from Code Compliance, Current Planning, Clean Water Services and Road Maintenance.

Benefits of Agri-tourism

Based on research and the public engagement process, the potential benefits of implementing SB960 and allowing additional events and activities in the rural area that are related to and supportive of agriculture include:

- Better understanding of and connection with the rural area
- Public education regarding all elements of farm practices
- Improved sustainability & viability of farms by providing alternative revenue streams
- Provision of structure and form to the process, which is not always clear now
- Providing more certainty to both farmers and neighbors by defining permitted uses
- Simplify and reduce the need for enforcement by providing clearer parameters for allowed activities
- Economic impacts beyond the farm - revenue helps surrounding communities
- Allowing County to capture tourism revenues that may currently be lost to other counties that have agri-tourism allowances in place

Issues Raised in Public Engagement

Public input was generally positive regarding the possibility of moving forward with some form of agri-tourism program as long as a number of issues are addressed through program development.

- 1. Ensuring farm use is protected and agri-tourism is incidental and subordinate:** It was reiterated that farm use must continue to be the dominant use in the rural area and that the right to farm is preeminent. Any agritourism activities and events must consider and acknowledge this.

Overarching concerns were voiced about how the intent of the legislation would be met, specifically related to defining and enforcing some critical terms and requirements. These include “*incidental and subordinate to farm use*”, and “*related to and supportive of agriculture.*” Concern was raised as to how the County would ensure that the act of holding events on the parcel would be secondary or subsidiary to the farm use of the parcel, and how it would be determined that the use will not “(a) *force a significant change in accepted farm and forest practices on surrounding lands devoted to farm and forest use; or (b) significantly increase the cost of accepted farm and forest practices on surrounding lands devoted to farm and forest use.*” Another impact that may be difficult to determine is whether the allowable events will “*in combination with other agritourism or other commercial events authorized in the area, materially alter the stability of the land use pattern in the area.*”

- 2. Enforcement:** Enforcement of the requirements of the law and of any permits issued was another overarching concern, raised by most TAG members and stakeholders. Concern was expressed regarding the County’s complaint driven enforcement system, with many desiring more proactive enforcement measures. Many felt it was critical to give more tools to enforce and more ‘teeth’ to enforcement, including site access by enforcement personnel, closure of event if conditions of permit violated, ability to revoke permit, allow for imposition of fines.

Some felt that the need for enforcement might be reduced through establishing clear standards that define parameters for events and what would constitute a violation. The permit requirements need to be measurable and effective so that everyone knows the rules. There was also talk about potentially rolling costs of enforcement into permit fees.

3. **Noise:** Noise was a major concern for many. Concerns with enforcing the County's noise ordinance were raised, with interest in considering additional ways this could be done. There was interest in controlling music amplification, including restricting number of events with amplification, and limiting hours or prohibiting amplification altogether.
4. **Parking:** Parking impacts on rural roads and neighboring properties were also a major concern. Suggestions included limiting attendee numbers and parking, requiring parking management plans that might include contracting for parking management with the Sheriff or other, and requiring all parking to be accommodated on-site.
5. **Traffic:** Since these events will be occurring by definition in the rural area, concern was expressed about additional traffic on rural roads, potentially affecting both road safety & capacity. Potential impacts on road maintenance and infrastructure should be considered, as well as possible traffic management solutions (e.g., tour buses, signage, traffic control at events, access permits.)
6. **Farm use conflicts:** Farm use in the rural area is the predominant use. TAG members and stakeholders reiterated this fact, and voiced concerns with the potential conflicts between the farming practices and outdoor events. Typical farming practices might include spraying, dust, slow-moving equipment, and other activities that generate noise or odor. Measures to address these impacts were requested, including requiring non-remonstrance agreements signed by those holding events. Other signed agreements might include agreements regarding trespass by attendees and hold harmless agreements releasing farmers from liability for impacts to events and activities.
7. **Number of events:** Many TAG members and stakeholders voiced concern with the number of events that might be allowed. SB960 defines one event as 72 hours (3 days), and would allow up to 18 events, which could result in 18 weekend long events. This was a concern particularly if the events involved noise amplification. It may be possible to limit the number of events allowed and/or limit noise amplification and/or define an event differently (e.g., as 24 hours) to address these concerns. Potential exists for conflicts with use and enjoyment of residential properties as well as with farm activities.
8. **Event saturation:** Concerns were raised about event saturation - events occurring in too close proximity to one another and too many all at once. A tracking process for event locations and timing will be needed in order to ensure that these events or activities will not *"in combination with other agri-tourism or other commercial events authorized in the area, materially alter the stability of the land use pattern in the area."*

Other related issues raised in the process:

- Grandfather provisions for existing activities on smaller lots that might not meet new requirements
- Relationship with Farm Stands
- Would weddings be allowed?
- Possible look at expansion of home occupation/tourism – B&B's, farm stays?

Experience of Other Counties

At least six counties in Oregon have adopted regulations implementing SB 960. Research into their experience is instructive for us as we determine whether and how to move forward. Staff researched the programs in Yamhill, Clackamas, Deschutes, Marion and Lane Counties to see how they developed their programs and how they are working to date. This information may be very useful for the Board as you consider moving forward with a program in Washington County.

For the most part, each County has tailored the program to its own requirements and concerns. In many cases, more restrictive requirements than what is specifically listed in State law have been developed, for instance to address noise amplification or number of events. Following is a brief summary of the programs of Yamhill, Clackamas, Deschutes, Marion and Lane Counties. A more detailed discussion is included in Attachment D.

Yamhill County

In mid-2012, Yamhill County adopted Senate Bill 960 almost in its entirety, but with certain restrictions that exceed those of the bill including limits on camping and sound amplification and a shorter timeframe for permits.

Since adoption, Yamhill County has processed only nine agri-tourism applications: one for 18 events (related to a pumpkin patch); two for six events (a wine tasting event permit for non-winery vineyard¹ property, and a rodeo event permit); and the remaining six for single events (primarily music related and/or for wine tasting on non-winery vineyard land). Yamhill County has not received any request for an agri-tourism permit involving weddings.

Yamhill County has not created a definition of “agri-tourism” beyond its description within SB 960. Permit review fees are \$69 for the single event license and range from \$256 to \$974 for 1-18 events permits.

¹ *Note: Such properties are considered farm uses for their grape crops, but not “wineries” if they lack a facility to process the grapes into wine.*

Clackamas County

The Clackamas County Board of County Commissioners adopted language to mirror SB 960 on June 7th, 2012. Clackamas County defines several terms from SB 960 as follows:

- *“Incidental and subordinate”, as related to agri-tourism, means that the event or activity is strictly secondary and ancillary to on-site farming in terms of income generated, area occupied, and off-site impacts”*
- *“Agri-tourism means a commercial event or activity that is logically, physically, and/or economically connected to and supports an existing on-site farm operation and promotes the practice of agriculture”*

Clackamas County has issued only two agri-tourism permits. One for a single event involving a farm-to-fork dinner, and the other for six rodeo events. After a police and public safety incident at the third event, the subject farmer voluntarily discontinued further rodeo events.

A Single or Six-Event application is subject to a Planning Director’s Review (PDR) and a fee of \$845. An 18-Event application is subject to a Conditional Use (CU) Review, and a fee of \$3,945.

As a “lesson learned,” Clackamas County staff emphasized the importance of ensuring that requested events/activities support on-site farming without impacting the surrounding area more than the actual farming does. Related to enforcement, Clackamas County Planning does apply permit conditions requiring contact and compliance with requirements of the Engineering Division and Sheriff’s Office. A licensed traffic management company and/or onsite security is required for large events.

Deschutes County

Deschutes County adopted SB 960 on April 16, 2012, but has tailored review types and standards to suit their own needs. Noise and traffic were key issues in developing standards for adoption. Deschutes County staff indicated that *enforcement needs have dropped significantly with adoption of SB 960 rules* because they provide clarity for events.

Deschutes Co. differentiates *"Agri-tourism"* from *"Other Commercial Events or Activities"* allowed by SB 960:

- *“Agri-Tourism” is defined as “A commercial enterprise at a working farm or ranch that is incidental and subordinate to the existing farm use of the tract that promotes successful agriculture, generates supplemental income for the owner. An assembly of persons shall be for the purpose of taking part in agriculturally based operations or activities such as animal or crop care, picking fruits or vegetables, cooking or cleaning farm products, tasting farm products; or learning about farm or ranch operations. Celebratory gatherings, weddings, parties, or similar uses are not agri-tourism” (emphasis added).*
- *A “Commercial Event or Activity” is defined as “...any meeting, celebratory gathering, wedding, party, or similar uses consisting of an assembly of persons and the sale of goods or services. A commercial activity shall be related to and supportive of agriculture.”*

Other areas where Deschutes County regulations are more specific or restrictive than State law include: application of minimum lot sizes, maximum durations per event, and limitations on noise amplification, prohibitions on camping, requirement for a 100 foot setback, traffic control personnel based on attendance, notification of event dates, and requiring a consent form allowing law enforcement, public health, fire control officers, and code enforcement staff to enter the premises for inspection and enforcement.

Deschutes County has processed only four or five permits. Two others were submitted but withdrawn because they didn't have a verifiable farm use. All applications have involved weddings.

Review fees are currently \$455 for a Type I permit, and \$855 for a Type II or III. Additional fees apply if brought before a hearings officer.

Marion County

On May 2, 2012, Marion County adopted SB 960. Marion County's standards differ very little from those of SB 960, with primary exceptions being a requirement for a notice of the decision for all permit types and a two-year expiration for 18-Event Permits (SB 960 allows four years.)

Review fees are currently: \$375 for a single event, and \$640 for six to 18 events.

Since adoption, Marion County has issued only two permits. In the past year, interest has dropped to less than one or two inquiries a month, according to staff.

Lane County

In January of 2013, Lane County adopted agri-tourism regulations. Lane County standards do not differ notably from SB 960, except for a two-year initial expiration for 18-Event Permits; with a four-year renewal allowed subject to evidence of compliance with prior permit requirements. SB 960 allows four years whether initial permit or renewal. No applications have yet been made under these regulations in Lane County.

Relationship to Wineries

In 2011 the State legislature passed SB841 related, in part, to activities at wineries. The provisions of this bill related to events and activities at wineries in included as Attachment E.

The Bill expanded the list of allowable activities at wineries – with slightly different activities allowed at small versus large wineries. For both, the legislation defines “*agri-tourism and other commercial events*” for purposes of this section to include: 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 wine produced in conjunction with the winery is a secondary purpose of the event.

Wineries may apply for permits under either the provisions of this state law or under the agri-tourism legislation, if adopted by the County. It is important to note that the wineries legislation is required to be implemented, as opposed to the optional provisions of SB 960 for agri-tourism.

What happens if the County does nothing to implement SB 960?

If the County chooses not to move forward with implementation of SB 960, current conditions will continue. Some commercial events would continue on farms, including those allowed as “*commercial activities in conjunction with farm use*,” as well as those allowed through the various other allowances (e.g., farm stands, private parks, outdoor mass gatherings, etc.) In many cases, activities are occurring that the County is not aware of. Unless a complaint has been filed, these activities and events will also continue. Many activities and events not specifically allowed may not occur -- or may occur instead in a neighboring jurisdiction.

ATTACHMENT A

Special Events and Activities allowed on Rural Resource Lands

There are several ways that special events and activities may be allowed on the rural resource lands areas (EFU and AF-20.) Most are shown below.

	Definitions (State or County Law)	Types of Allowable Uses	Limitations / Requirements
Farm Use (ORS 215.203)	Statute allows direct sales and direct marketing of farm crops	Direct sales, Direct marketing, including U-Pick, Christmas tree sales, Community Supported Agriculture (CSA's), potentially activities such as corn mazes, pumpkin patches	Limited to crops grown/harvested on-site.
Commercial Activities in Conjunction with Farm Use (ORS 215.213(2) (c))	Activities limited to providing products and services essential to the practice of commercial agriculture	Would include marketing events at small wineries not covered in ORS 215.452 or .453, including events at tasting rooms that do not meet the definition of a "winery"	Mostly applicable to farm crop processing facilities, events must be determined as "essential to the practice of agriculture"
Farm Stands (ORS 215.213 (1) (r))	Farm stands are structures <i>"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..."</i>	Direct sales of farm crops and livestock and retail incidental items produced on the farm or other farms in Oregon. <i>"Fee based activity to promote the sale of farm crops..."</i> could potentially include a variety of uses, as follows (based on recent Bella Organics Ct. of Appeals case): <ul style="list-style-type: none"> • small-scale gatherings such as birthdays, picnics; • corn mazes; • school tours; • pumpkin patch rides; • fund-raising events; • hayrides; • farm animal exhibits; • cow trains; • farm product food 	Specifically does not include structures designed for occupancy as a residence or for activity other than the sale of farm crops or livestock and does not include structures for banquets, public gatherings and public entertainment. This includes temporary structures. Type II Permit, No impact findings

This is a summary only – please refer to the specific legislation for more detail and specific language.

		<p>contests and food preparation demonstrations;</p> <ul style="list-style-type: none"> • farm to fork dinners (outdoors); • educational presentations on farm operations and harvesting of crops 	
<p>Private Parks (ORS 215.213 (2)(e)) (OAR 660-034-0035 and -0040)</p>	<p>State law provides for the possibility of private parks in the exclusive farm use areas, but does not specifically define what is considered a private park.</p>	<p>Uses allowed are defined in OAR's – in general and subject to a number of conditions and requirements, the following <u>may be allowed</u> in a private park on ag lands:</p> <ul style="list-style-type: none"> • Campground areas;; • Day use areas; • Recreational trails; • Boating and fishing facilities; • Park use amenities; • Support, maintenance; • Interpretive and educational 	<p>Not allowed on high value farmland (high value farmland includes most of EFU and some of AF-20, based on soil classification)</p> <p>Type II Permit, Impact findings required</p> <p>Limited by Statewide Planning Goal 3</p>
<p>Road Use Permits</p>	<p>Event permits for uses within the Right-of-Way of County roads. .</p>	<p>Includes race and special events, parades, film and video events. Can include Bike races, fun runs, parades</p>	<p>Permit required for each event. Permits issued by County DLUT Road Operations.</p>
<p>Room and Board Arrangements (CDC Sections 340-4.2.N and 344-4.2.N)</p>	<p>Per Webster's, "<i>room and board</i>" is <i>lodging and food usually furnished for a set price or as part of wages.</i>"¹</p>	<p>In EFU/AF-20, CDC allows: "<i>Room and board arrangements, including a bed and breakfast facility, for a maximum of 5 unrelated persons in an existing dwelling.</i>"</p>	<p>Type II Permit, Impact Findings required</p> <p>Recording of a waiver of the right to remonstrate against commonly accepted farm / forest practices.</p>

¹ Defer to, 'Webster's [1993] Third New International Dictionary' for terms not defined in Washington County CDC (per Sec. 106-1.3).

This is a summary only – please refer to the specific legislation for more detail and specific language.

	Definitions (State or County Law)	Types of Allowable Uses	Limitations / Requirements
<p>Outdoor Mass Gatherings (ORS 433.735(1), 433.750, 433.755, and 433.763(1) <i>OAR 660-033-0130(33 and 34)</i> and WCC Sec. 8.52.010</p>	<p>State statute defines “outdoor mass gatherings” to mean an anticipated assembly of more than three thousand persons which continues or can reasonably be expected to continue for more than one hundred and twenty hours within any three month period. Counties are allowed to make modifications to this definition. Washington County has modified the definition to only include gatherings occurring for between 24 and 120 hours. The County’s definition also specifies that the activity is to be held primarily in open spaces, including parks, and not in any permanent structure.</p>	<ul style="list-style-type: none"> • Concerts; • Festivals; • Fairs; • Carnivals 	<p>Any outdoor gathering of more than 3,000 persons... anticipated to continue for more than 120 hours in any three-month planning period is subject to review by the Planning Commission and must:</p> <ul style="list-style-type: none"> • Demonstrate compatibility with existing land uses; and • Not materially alter stability of land use pattern of the area; • NO permanent structures are allowed. <p>An outdoor mass gathering... of 3,000 or fewer persons... not anticipated to continue for more than 120 hours in any three-month period is not a “land use decision”</p> <p>Agri-tourism and other commercial events or activities may not be permitted as mass gatherings under 215.213(11) and 215.283(4).</p>

This is a summary only – please refer to the specific legislation for more detail and specific language.

	Definitions (State or County Law)	Types of Allowable Uses	Limitations / Requirements
Living History Museums (CDC 430-74)	A facility designed to depict and interpret everyday life and culture of some specific historic period using authentic buildings, tools, equipment and people to simulate past activities and events	A living history museum, together with limited commercial activities and facilities directly related to the use and enjoyment of the museum and located within authentic buildings of the depicted period or museum administration building, is permitted, subject to a number of limitations and requirements.	Must: A. Be related to only resource based activities (farm and forest uses); B. Be owned and operated by a governmental agency or a local historic society Type III Permit, Impact Findings required
Agri-tourism / Commerical Events or Activities (ORS 215.213 (2) (11))	State law does not specifically define the term “Agri-tourism.” The regulations apply to “ <i>agri-tourism and other commercial events and activities related to and supportive of agriculture.</i> ” However, the legislation goes no further in defining the term or specific activities or events that could be considered agri-tourism.	It is not clear the types of events and activities that might be allowed. Possibilities might include educational, entertainment, hospitality and outdoor recreational activities. This might include activities such as: cooking classes using farm products, habitat introduction programs, school tours, farm/ garden/ nursery tours, craft classes/shows, festivals, harvest days, pony rides, corn maze, pumpkin patch and catapult, petting zoo, rodeo, musical events/ concerts, corporate picnic / conference / retreat, farm-to-table dinners, farm tours & stays, sporting events, hunting and fishing, and potentially weddings	State law requires that the activities and events must be “related to and supportive of agriculture” and be “ <i>incidental and subordinate to existing farm use.</i> ” State law provides for an expedited license for 1 event, and land use permits for 1- event, 6-events and 18- events. All are subject to conditions by the local jurisdiction.

This is a summary only – please refer to the specific legislation for more detail and specific language.

	Definitions (State or County Law)	Types of Allowable Uses	Limitations / Requirements
<p>Wineries ORS 215.452 (smaller wineries), ORS 215.453 (large wineries), SB 841 CDC Sec. 430-145</p>	<p>CDC Sec. 430-145 Definition: <i>“Wineries are structures where the grapes or other fruits or produce of the applicant or others may be processed and converted to wine, bottled, blended, stored, sold at wholesale or directly to a consumer for consumption off or on the premises.”</i></p> <p>In ORS 215.452 and .453, <i>““Agri-tourism 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 wine produced in conjunction with the winery is a secondary purpose of the event.”</i></p>	<p>Wineries may <i>“conduct operations that are directly related to the sale or marketing of wine produced in conjunction with the winery...”</i> (Includes limited service restaurants and sale of incidental items directly related to on-site wine sales). Recent legislation added allowances for:</p> <ul style="list-style-type: none"> • <i>“agri-tourism or other commercial events; and</i> • <i>“charitable activities for which the winery does not charge a facility rental fee”</i> • Clarified food/ beverage provisions associated with B & B’s at wineries <p>Winery activities may include:</p> <ul style="list-style-type: none"> • Wine tasting; • Wine club meetings; • Winemaker luncheons/dinners; • Tours; • Business activities for wine industry professionals; • Open Houses to promote wine; • B and B/ Room and Board facilities; • Educational, health, lifestyle events. 	<p>In the Willamette Valley, agritourism/ commercial event/ charitable activities are allowed:</p> <ul style="list-style-type: none"> • 18 days per year for smaller wineries - license for 1 - 6 days (not a land use decision), and land use permit for 7-18 days. • 25 days per year for larger wineries are allowed, for more than 25 days a permit is required <p>Both 7-18 and over 25 day applications must address potential impacts and must:</p> <ul style="list-style-type: none"> • Be subordinate to the production and sale of wine; and • Not create significant adverse impacts to uses on surrounding land. <p>For large and small wineries, income from limited service restaurants and sale of incidental items must not exceed 25% of income from wine.</p>

This is a summary only – please refer to the specific legislation for more detail and specific language.

ACTIVITIES IN EFC LAND			
EFC LANDS CURRENTLY ALLOW MORE RECREATIONAL AND RURAL TOURISM TYPE ACTIVITIES			
	Definitions from State Law	Types of Allowable Uses	Limitations
<ul style="list-style-type: none"> ▪ Youth Camps ▪ Parks ▪ Private hunting and fishing (Limited to no structures & use is temporary during season) 			Type II Permit, Impact Findings required
<ul style="list-style-type: none"> ▪ Campground ▪ Private accommodations for fishing and hunting (Up to 15 units occupied during hunting/fishing season.) ▪ Firearms Training Facility 	<p>ORS 197.770</p>	<p>Law Enforcement Training & programs promoting gun safety & target practice. Cabins, Tent Campsites, Trails, Camp Stores</p>	<p>Type III Permit, Impact Findings required</p> <p>Type III Permit Required</p>
<ul style="list-style-type: none"> ▪ State & Regional Parks 	<p>OAR 660-006-0025(5)</p>		<p>May need an exception to the Goals for “urban-type” uses, such as visitor’s centers, conference facilities.</p>

This is a summary only – please refer to the specific legislation for more detail and specific language.

ATTACHMENT B

Summary of Senate Bill (SB) 960-A (Agri-tourism)

Following is a summary of the Agri-tourism legislation. All uses must comply with applicable local standards and be incidental and subordinate to the farm use. The requirements generally increase as the intensity of event(s) increase, as follows:

1. “Expedited” single event license (not a land use permit) for a single event as long as the event:
 - Does not begin before 6 a.m. or end after 10 p.m.
 - Does not involve more than 100 attendees or 50 vehicles
 - Does not include amplification of music or voices before 8am or after 8pm
 - Does not involve the construction of a new structure
 - Is located on a tract of at least 10 acres or has the consent of adjoining properties
 - Complies with applicable health, fire, life safety requirements

2. Single event allowed in one calendar year as long as the event:
 - Does not exceed 72 consecutive hours
 - Does not exceed 500 people
 - Parking does not exceed 250 vehicles
 - Applicant must address impact findings*
 - Activity occurs outdoors, in temporary structures or in existing permitted structures subject to health and life safety requirements
 - Must meet conditions established for: planned hours of operation, access, egress and parking, traffic management plan, and sanitation and solid waste.

3. Up to six events in a calendar year by a “limited use permit” subject to the following requirements:
 - Does not exceed 72 consecutive hours
 - Does not include construction of a new permanent building
 - Applicant must address impact findings*
 - May not, in combination with other agri-tourism or other commercial events authorized in the area, materially alter the stability of the land use pattern in the area;
 - Must comply with conditions established for:
 - Types of events including number and duration, daily attendance and hours of operation;
 - Location of existing structures and proposed temporary structures;
 - Access, egress, parking facilities and traffic management; and

This is a summary only – please refer to the specific legislation for more detail and specific language.

- Sanitary and solid waste.
 - Permits are valid for two years. Renewals include a new public comment period.
4. More frequent events (up to 18 per year) or events that that may occur for a longer period of time, by “limited use permit” subject to the following conditions:
- Does not require construction of a new permanent building;
 - Applicant must address impact findings*;
 - May not, in combination with other agri-tourism or other commercial events authorized in the area, materially alter the stability of the land use pattern in the area;
 - Activities occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size;
 - Must comply with conditions established for:
 - Types of events including number and duration, daily attendance and hours of operation;
 - Location of existing structures and proposed temporary structures;
 - Access, egress, parking facilities and traffic management;
 - Sanitary and solid waste; and
 - Permits are valid for four years. Renewal permits include a new public comment period.

Other key points:

- * “Impact findings” (ORS 215.296) refer to findings made by the local governing body that the use will not: (a) force a significant change in accepted farm and forest practices on surrounding lands devoted to farm and forest use; or (b) significantly increase the cost of accepted farm and forest practices on surrounding lands devoted to farm and forest use.
- Temporary structures are allowed in connection with agri-tourism events but must be removed at the end of the agri-tourism event or activity.
- Physical alteration to the land (e.g. grading and fill, or paving) for agri-tourism events is not allowed.
- *The authorizations in this legislation are in addition to other authorizations that may be provided by law, except that ‘outdoor mass gathering’ and ‘other gathering’ as used in ORS 197.015(10)(d) do not include agri-tourism or other commercial events and activities.*

This is a summary only – please refer to the specific legislation for more detail and specific language.

ATTACHMENT C

Public Engagement Strategy

Objective:

County staff engaged stakeholder groups to analyze the benefits and impacts of adopting SB960, in part or in its entirety, in Washington County.

July 23, 2013: Directed by the Board of Commissioners to develop a stakeholder list to address SB 960 and Agri-tourism and develop a public engagement strategy.

September 2013: Outline Agri-tourism engagement strategy plan with BCC and finalize Technical Advisory Group (TAG).

October – January 2014: Assemble **TAG** and hold meetings.

December 5, 2013 and January 9, 2014: **TAG** Meetings

December - March 2014: Stakeholder interviews, public presentations.

January 28, 2014: Board of Commissioners Work Session presentation about findings from public engagement process and potential direction on program development.

March - April 2014: Analyze stakeholder feedback and develop report and presentation.

May 2014: Board Work Session presentation.

June 2014: File an ordinance if directed by the Board of Commissioners.

Ad-Hoc Technical Advisory Group (TAG) Invitees:

1,000 Friends of Oregon	Oregon Nursery Association*
Adelante Mujeres*	Oregonians in Action
Agricultural Farmers	OSU Extension office
Chambers adjacent to rural areas*	Rural Citizen Participation Orgs
Community supported agriculture	Save Helvetia
Farm-to-Fork event planner	School Districts with rural area locations
Friends of Family Farmers	Washington County Bicycle
Garden Vineyards*	Transportation Coalition*
Hazelnut Growers of Oregon*	Washington County Wine Growers
Helvetia Vineyards & Winery	Washington County Small Wood Lot
Impacted parties/Residents	Association
Keep Helvetia Livable & Safe	Washington County Visitors Association
Oregonians for Food and Shelter	

* organization did not respond or declined invitation to participate

Stakeholder Interviews

City of Banks – 1/21/14

City of North Plains – 1/23/14

Farm Bureau – 1/21/14

Planning Commission representatives

Rural Fire District #2

Rural Road Operations and Maintenance Advisory Committee (RROMAC)

Clean Water Services

Tualatin Valley Fire & Rescue – Met 12/19/13

Washington County Visitors Association – Met 12/19/13

Washington County Sheriff's Dept. – Met 12/20/13

Stakeholder Interviews to be done

City of Gaston

Soil & Water Conservation District

Willamette Valley Winery Association

ATTACHMENT D

SUMMARY OF AGRITOURISM IN VARIOUS OREGON COUNTIES

This information is based on:

- Review of Senate Bill (SB) 960 on Agri-Tourism;
- Review of Adopted Agri-Tourism standards of Yamhill, Clackamas, Marion, Deschutes and Lane Counties;
- Communications with:
Stephanie Armstrong, Yamhill County Planner;
Gary Hewitt, Clackamas County Sr. Planner and Farm/Forest Specialist;
Nick Lelack, Deschutes County Community Development Director; and
Tami Amala, Marion County Public Works-Planning Mgmt. Analyst

Yamhill County

In mid-2012, Yamhill County adopted Senate Bill 960 almost in its entirety, but with certain restrictions that exceed those of the bill (discussed below).

Since adoption, Yamhill County has processed only nine agri-tourism applications: one for 18 events (related to a pumpkin patch); two for six events (a wine tasting event permit for non-winery vineyard² property, and a rodeo event permit); and the remaining six for single events (primarily music related and/or for wine tasting on non-winery vineyard land). Yamhill County has not received any request for an agri-tourism permit involving weddings, but Stephanie Armstrong (Yamhill County Planner) predicts that these would generate some public concern.

Yamhill County has not created a definition of “agri-tourism” beyond its description within SB 960. Yamhill staff says they haven’t yet experienced significant enforcement issues or public opposition, but suggests that defining types of events to be allowed may help to reduce the potential for these.

Yamhill County has created an “Agri-Tourism Permit Event Application” that is used for all permit types (as well as for the Expedited Single Event License). Review fees are currently: \$69 for the single event license, \$256 or \$665 for the Single Use Permit (depending on whether or not camping is proposed, and therefore whether 15-day public notice is required), \$665 for six event permit, and \$974 for up to 18 events. Processing takes about a week for an Expedited Single Event License, four to five weeks for a Single- or Six-Event Permit without camping, and six to eight weeks for an 18-Event Permit or a Single- or Six-Event Permit with camping. Processing times include a 15-day appeal period.

² *Note: Such properties are considered farm uses for their grape crops, but not “wineries” if they lack a facility to process the grapes into wine.*

Following are the areas where Yamhill's standards differ from SB 960:

- Requirements for 15-day public notice in any case where camping is proposed, whether as part of a Single Event, Six Event, or 18 Event Permit request. (SB 960 requires public notice only in the case of 18 Event Permits, and doesn't specifically address camping).
- Limitations on both camping and sound amplification to only one event, regardless of the number of events approved by a permit. (Senate Bill 960 is silent).
- Complete prohibition of music amplification as part of an Expedited Single Event License (SB 960 is silent).
- A one year expiration for both permit types ("renewable at four year intervals"), while the bill applies two and four year expiration periods for Six Event and 18 Event Permits.

Clackamas County

The Clackamas County Board of County Commissioners adopted language to mirror SB 960 on June 7th, 2012, but added clarifications.

They have created a supplemental application form that applies to all types of Agri-Tourism and Commercial Event/Activity requests. A Single or Six-Event application is subject to a Planning Director's Review (PDR) and a fee of \$845. An 18-Event application is subject to a Conditional Use (CU) Review, and a fee of \$3,945. Processing times are from six to eight weeks, or 150 days if appealed.

Clackamas County has issued only two agri-tourism permits. One was for a single event involving a farm to fork dinner, which occurred without incident. The other approved six rodeo events – only three of which took place. According to Clackamas County staff, a brawl broke out at the third one, requiring the assistance of four police departments and five fire districts. Since the subject farmer voluntarily discontinued further rodeo events, Clackamas County had no need to pursue enforcement of permit conditions.

In hindsight, as compared to impacts associated with raising Brahma Bulls (the primary farm use), Clackamas points out that a 3,000-attendee rodeo with live bands and announcer may not truly have been secondary. As a "lesson learned," Gary Hewitt (Clackamas County Sr. Planner and Farm/Forest Specialist) emphasizes the importance of ensuring that requested events/activities support on-site farming without upsetting the surrounding area any more than the actual farming does. Considerations may include earnings, noise duration, and noise levels of actual farming practices as compared to those of an event.

Related to enforcement, Clackamas County *Planning* does not have ability to require corrections to agri-tourism violations at the time of their occurrence or to shut down events that are in process. They do, however, apply permit conditions directing applicants to contact and comply with requirements deemed necessary by the Engineering Division and Sheriff's Office. Further, both offices are notified of each application. The Sheriff's

Office administers the Noise Code for Clackamas County. A licensed traffic management company and/or onsite security is required for large events.

Regarding weddings, Clackamas County hasn't been asked to approve any under their agri-tourism standards. They point out that it might be possible, but that their Home Occupation standards otherwise permit such events and are far less restrictive as to number. (Their Home Occupation standards allow from five to seven events per week depending on time of year, and up to 300 people per event).

Clackamas County's standards differ from SB 960 in the following ways:

- They clarify SB 960's reference to "incidental and subordinate," stating: "*Incidental and subordinate, as related to agri-tourism, means that the event or activity is strictly secondary and ancillary to on-site farming in terms of income generated, area occupied, and off-site impacts*" (emphasis added).
- They expand on SB 960's requirement that agri-tourism must be "related to and supportive of agriculture," stating: "*Agri-tourism means a commercial event or activity that is logically, physically, and/or economically connected to and supports an existing on-site farm operation and promotes the practice of agriculture*" (emphasis added).

Deschutes County

Deschutes County adopted SB 960 on April 16, 2012, but has tailored review types and standards to suit the needs of the community. Nick Lelack, Community Development Director, notes, "*It was a major effort for us to adopt the new rules. You can tell how much more restrictive we were than state law to address our local issues.*" He notes that noise and traffic were key issues in developing standards for adoption, but that parking was less of a concern. As for lessons learned, he points out that enforcement needs have dropped significantly with adoption of SB 960 rules because they provide clarity for events (emphasis added).

Following are key areas where Deschutes County standards differ from provisions of SB 960:

- Deschutes Co. differentiates "Agri-tourism" from "Other Commercial Events or Activities" allowed by SB 960:
 - They define "Agri-Tourism" in greater detail than SB 960 provisions, as "A commercial enterprise at a working farm or ranch that is incidental and subordinate to the existing farm use of the tract that promotes successful agriculture, generates supplemental income for the owner. An assembly of persons shall be for the purpose of taking part in agriculturally based operations or activities such as animal or crop care, picking fruits or vegetables, cooking or cleaning farm products, tasting farm products; or learning about farm or ranch operations. Celebratory gatherings, weddings, parties, or similar uses are not agri-tourism" (emphasis added).

- They define a “*Commercial Event or Activity*” as “...any meeting, celebratory gathering, wedding, party, or similar uses consisting of an assembly of persons and the sale of goods or services. A commercial activity shall be related to and supportive of agriculture.”
- Deschutes County reviews “*Agri-Tourism*” applications under three review types (I, II, or III) that don’t compare directly to permit types outlined in SB 960. A “*Commercial Event or Activity*” is not eligible for Type I review, and is subject to either a Type II or III. Main facets of each permit type are shown in the following table:

DESCHUTES COUNTY			
“AGRI-TOURISM” & “COMMERCIAL EVENTS AND ACTIVITIES” PERMIT TYPES			
	Type I	Type II	Type III
Commercial Events and Activities	<i>No</i>	<i>Yes</i>	<i>Yes</i>
Agri-Tourism	<i>Yes</i>	<i>Yes</i>	<i>Yes</i>
Minimum Lot Size	<i>5 Acres</i>	<i>10 Acres</i>	<i>160 Acres</i>
Max. Number of Events	<i>6</i>	<i>6</i>	<i>18</i>
Max. Duration per Event	<i>1 Calendar Day</i>	<i>30 Hours for “Commercial Events and Activities”; 72 Hours for “Agri-Tourism”</i>	<i>24 Hours for “Commercial Events and Activities”; 72 Hours for “Agri-Tourism”</i>
Sound Amplification	<i>None</i>	<i>During Limited Hours</i>	<i>During Limited Hours</i>

- Deschutes County code specifies a type of sound meter that must be kept available onsite at all times during events/activities.
- All event permit types require notification, including a list of calendar dates for all events/activities. (SB 960 requires public notice only in the case of 18-Event Permits),
- One Oregon-certified traffic control person is required per 250 anticipated attendees.
- If site access depends on an easement or private road, written consent to use it for agri- tourism/commercial event purposes must be obtained from owners of all underlying property and all others with access rights.
- Camping is prohibited under all permit types. (SB 960 doesn’t specifically address camping).
- A 100-foot setback is required to all event areas for all permit types (not required under SB 960).

- A signed written consent form is required, allowing law enforcement, public health, fire control officers, and code enforcement staff to enter the premises for inspection and enforcement of terms of the permit and the county code, including noise control.

According to the Director, Deschutes County interprets the SB 960 requirement that events/activities be “*incidental and subordinate*” to farm use in the following ways (among others):

- In terms of time dedicated to agri-tourism/commercial activities vs. farming (for example six days per year dedicated to weddings vs. 90 days per year that make up a growing season); and
- In terms of income - specifically that less than 50% must be generated by agri-tourism/commercial activities as compared to farm income.

Deschutes County has created a simple one-page “Limited Use Permit Application” that is used for all event types. This is coupled with a double-sided hand-out that outlines and describes standards and requirements in more detail.

Deschutes County has processed only four or five permits, according to the Community Development Director. Two others were submitted but withdrawn because they didn’t have a verifiable farm use. Applicants may take a request to a hearing in cases where criteria aren’t clearly met, but none have chosen to do so given extra cost and lack of likelihood for approval, says the Director.

Review fees are currently: \$455 for a Type I permit, and \$855 for a Type II or III. Additional fees apply if brought before a hearings officer. Processing time are approximately three weeks.

All permits processed to date have been Type II, and all have been what Deschutes County classifies as “*Commercial Events or Activities*.” All applications have involved weddings (which are clearly specified as allowed under their Type II permit provisions, subject to applicable criteria). Mr. Lelack points out that soils, climate, and water conducive to farming are scarce in Deschutes County, which sits above 3,000 feet and has the fewest frost-free days of all Oregon Counties. For this, “*Agri-Tourism*” permit requests (as opposed to those for “*Commercial Events or Activities*”) are not expected to be common. For the same reason, Type III permit requests are even less likely, he says (requiring 160 acres, for up to 18 events necessary and subordinate to farming). Single permits are not addressed through “*Agri-Tourism*” or “*Commercial Events & Activities*” standards, but through Deschutes County “*Event*” standards that predate SB 960. Alternatively, simple permits similar to SB 960’s “*Expedited Single Event*” permit are processed through the Risk Management office (not by the Community Development Department at all).

Marion County

On May 2, 2012, Marion County adopted SB 960.

Marion has created an application form that specifically addresses standards of SB 960 for an Expedited Single Event *License*. Single, Six, and 18-Event *Permits* are otherwise addressed by a separate Conditional Use application form, along with an “*Agri-Tourism Events & Activities Supplemental Information*” form.

Review fees are currently: \$375 for a Single Event, and \$640 for Six to 18 events. Processing takes about 30 days, and notice of the decision is provided to owners of all property within 1,500 feet of the site. A 15-day appeal period follows.

Since adoption of the bill, Marion County has issued only two permits. In the past year, however, interest has dropped to less than one or two inquiries a month according to staff. Tami Amala, Management Analyst, notes that farmers could be allowed up to six weddings, assuming the wedding events could be proven subordinate to onsite farming. She notes, however, that most inquiries about weddings involve a business model exceeding the six-event limit and unrelated to farming – one that doesn’t fit within agri-tourism parameters. (For permits involving more than six and up to 18 events, adopted SB 960 language requires that approved events be both incidental to onsite farming and *necessary* to support it. Permits for more than 6 weddings would therefore be difficult to justify).

Marion County’s standards differ very little from those of SB 960, with primary exceptions as follows:

- Notice of the decision is provided for all permit types (SB 960 requires public notice only in the case of 18 Event Permits).
- A two-year expiration for 18-Event Permits (SB 960 allows four years).

Lane County

In January of 2013, Lane County adopted agri-tourism statutes.

Lane County standards do not differ notably from SB 960, except for the following:

- A two-year initial expiration for 18-Event Permits; with a four-year renewal allowed subject to evidence of compliance with prior permit requirements (SB 960 allows four years whether initial permit or renewal).

Yamhill does require applicants to address SB 960’s requirement that proposed events will “*not materially alter the stability of the land use pattern in the area,*” applicable to Six and Eighteen Event Permit requests, but they don’t prescribe how.

ATTACHMENT E

Partial Summary of Enrolled SB 841-B (Wineries)

Enrolled in 2012, this Bill authorizes wineries that meet minimum acreage and annual production requirements to do additional activities.

This bill is required in that the County must adopt these regulations.

Following is a summary of the pertinent parts of the Wineries legislation relating to agritourism. See the full Bill for all provisions.

Provides for two different ways a winery may be established - either by meeting the criteria in 215.452 or .453. Each has requirements based on size and volume of wine produced.

For both, the legislation defines “Agritourism and other commercial events” for purposes of this section to include: 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 wine produced in conjunction with the winery is a secondary purpose of the event.

SMALL WINERIES

For the Smaller wineries (established under 215.452) the Bill changes some definitions on where a winery may be established and refines some criteria for establishment. It expands the list of allowable activities at a winery, adding to the list of activities that come under the heading “conduct operations that are directly related to the sale or marketing of wine produced in conjunction with the winery...” and adding two categories of activities: “agritourism or other commercial events” and “host charitable activities for which the winery does not charge a facility rental fee.”

These smaller wineries may include on site kitchen facilities under certain conditions

The gross income from the sale of incidental items and services may not exceed 25% of the gross income (as defined.)

These smaller wineries may carry out up to 18 days of “agri-tourism or other commercial events” on the tract occupied by the winery.

For smaller wineries In the Willamette Valley,

1. Events on the first six days of the 18 days per calendar year limit must be authorized by a local government through a “renewable multi-year license.”

This license IS NOT considered a land use decision or a permit, as defined in specified sections of ORS. The license:

- Has a term of 5 years;
- Is subject to an administrative review to determine conditions as necessary to ensure the events are subordinate to the production and sale of wine and do not create significant adverse impacts to uses on surrounding land.

Conditions may be related to:

- Number of event attendees
- Hours of event operation
- Access and parking
- Traffic management
- Noise management;
- Sanitation and solid waste

2. Events on days 7 through 18 of the 18 day per calendar year limit must be authorized through a “renewable multi-year permit.” This permit IS considered a land use decision and a permit and is subject to review by LUBA. The permit:

- Has a term of 5 years;
- Is subject to an administrative review to determine conditions as necessary to ensure the events are subordinate to the production and sale of wine and do not create significant adverse impacts to uses on surrounding land.

Conditions may be related to:

- Number of event attendees
- Hours of event operation
- Access and parking
- Traffic management
- Noise management;
- Sanitation and solid waste

Makes provisions regarding bed and breakfast facilities at wineries.

Provides that a use or structure that is lawfully established at a winery in EFU or AF-20 that exists on the effective date of the act, may be continued, altered, restored or replaced pursuant to state law.

Sec 215.237. if a small winery conducts agritourism or other commercial events under this bill, it may not conduct agritourism under the provisions of ORS215.213(11) (the agritourism section)

LARGE WINERIES

For the Large wineries established under 215.453, similar changes were made. It expands the list of allowable activities at a winery, adding to the list of activities that come under the heading “conduct operations that are directly related to the sale or marketing of wine produced in conjunction with the winery...” and adding two categories of activities: “agritourism or other commercial events” and “host charitable activities for which the winery does not charge a facility rental fee.”

Wineries may include on site kitchen facilities under certain conditions

The gross income from the sale of incidental items and services may not exceed 25% of the gross income (as defined.)

Wineries may carry out up to 25 or fewer days of “agri-tourism or other commercial events” hosted by the winery or patrons of the winery, at which wine produced by the winery is featured on the tract occupied by the winery. Such events must be directly related to the sale or promotion of the winery’s wine and be incidental to the sale of wine on -site. It appears that up to 25 events may be allowed without an additional permit.

When a winery wishes to either operate a restaurant open to the public for more than 25 days OR host agritourism or other authorized commercial events on more than 25 days in a calendar year, a permit from the local government is required.

A permit application may be approved if the following findings can be made:

- Complies with the standards in 215.296 (Impact findings) - use will not: force a significant change in accepted farm or forest practices in surrounding lands devoted to farm or forest use; or
- Significantly increase the cost of accepted farm or forest practices in surrounding lands devoted to farm or forest use
- Is incidental and subordinate to the retail sale of wine produced in conjunction with the winery; and does not materially alter the stability of the land use pattern in the area

Permits shall be reviewed at least every five years and may be renewed

Makes provisions regarding bed and breakfast facilities at wineries.

This is a partial summary - See the full Bill for all provisions.