

Agritourism and Other Land Uses -- Beyond the Customary “Farm Use”

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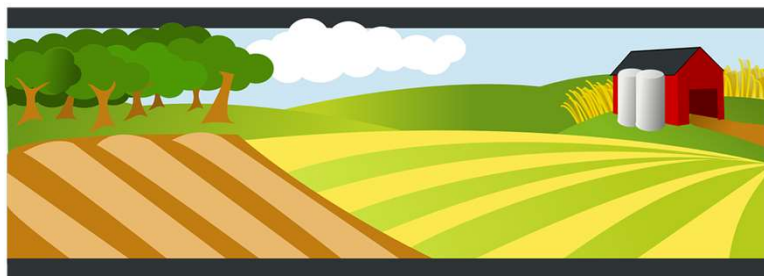
A to Z Winery, Newberg

October 25, 2018



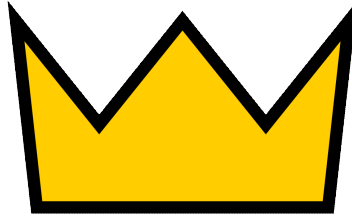
Zoning of Agricultural Land

- Exclusive Farm Use (EFU)
- Farm/Forest (F/F)
- Resource Industrial
- Rural Residential
- Agricultural Residential
- Other



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Oregon Statewide Planning Goals



GOAL 3 (Agricultural Lands)

- History of strong protections for agricultural land
- Tension with other goals like Goal 8 (Recreation), Goal 9 (Economic Development), Goal 10 (Housing), Goal 13 (Energy)

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EFU Zone: Examples of Category 1 Uses

- Category 1 uses (uses allowed outright or subject to standards)
 - Utility facility necessary for public service subject to ORS 215.275/.274;
 - Creation, restoration or enhancement of wetlands;
 - Winery subject to ORS 215.452/.453;
 - Farm stands; and
 - Cidery subject to ORS 215.451.



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EFU Zone: Examples of Category 2 Uses

- Category 2 uses (subject to CUP criteria in ORS 215.296)
 - Private parks, playgrounds, and campgrounds;
 - Private hunting and fishing preserves;
 - Golf courses;
 - Commercial utility facilities for the purpose of generating power;
 - Personal-use airports;
 - Home occupations (bed and breakfasts);
 - Room and board arrangements (max 5 unrelated people);
 - Agri-tourism or other commercial activities; and
 - Commercial activities in conjunction with farm use (CA/FU).

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“Non-Traditional” Uses

- Farm stands
- Harvest festivals
- Music and arts festivals
- Farm to table dinners
- Agri-tourism experiences and overnight stays
- Goat yoga
- Weddings and venue rentals
- Food carts and agri-tourism events
- Yoga and wellness retreats
- Corporate retreats
- Renewable energy development
- Estuarine restoration/rangeland restoration



Increasing demand for access to Oregon's agricultural and natural resources in the rural environment.

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Permitting Pathways and Regulatory Hurdles



- Type I or II reviews (e.g., land use decision) for Category 1 uses
- Type II or III reviews (e.g. conditional use permit) for Category 2 uses
- Outdoor mass gathering permit
- Energy Facility Siting Council
- Land use approval
- Liquor licensing
- Health licensing
- Fire safety (ODF)
- Water supply (OWRD & local health dept.)
- Transportation
- Timing of approvals

And sometimes, the proposed use does not fit within a permissible use category.

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Winery Example

- Public notice and opportunity to comment and request hearing
- Common concerns @ traffic, noise, and water supply
- Threat to changing agrarian landscape/visual compatibility
- Wastewater management from wine production
- Commercial activities on agricultural land (policy choice)
- Food service and food trucks – how much is too much?
- Good neighbor agreements
- Road maintenance agreements
- Limits on commercial events (e.g., concerts, festivals, weddings)
- Maintain working landscape (vineyards, produce, farming operations)

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Brewery Example

- Currently no specific “brewery” use allowed on ag land
- Farm stand or CA/FU conditional use permitting pathway
- Limits on commercial activities associated with use
 - Limits on incidental sales (e.g., t-shirts, mugs, growlers)
- Food service and food trucks – how much is too much
- Wastewater management for brewing

Similar issue facing distilleries on agricultural land – no clear permitting pathway as permitted use.

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Oregon Agritourism Inherent Risk Law

ORS 30.671 to 30.677

- “Agri-tourism activity” is defined.
- “Inherent risks of agri-tourism activity” is defined.
- Required to post notice.
- Protects agri-tourism professional from liability for an injury to or the death of a participant arising from the inherent risk of an agri-tourism activity. No protection if ...
 - Negligence or willful disregard for participant’s safety
 - Intentional injury
 - Failure to make reasonable inspection of equipment or property
 - Failure to obtain appropriate land use approvals

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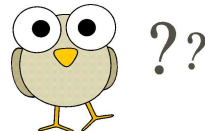
Posted Notice



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Questions for Consideration/Discussion Later On ...

- Agri-tourism or other commercial activities – more or less?
- Geotourism – opportunities on forest zone land?
- Is rural economic development limited by land use laws?
- Conservation as new revenue stream for landowners?
- State versus local control for looser regulations?



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