FARMLAND ACTIVITIES TASK FORCE

REPORT AND RECOMMENDATIONS

December 13, 2010
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To: Association of Oregon Counties Board of Directors
   Association of Oregon Counties Legislative Committee

From: Commissioner Mary Stern, Chair, Farmland Activities Task Force

Subject: AOC Farmland Activities Task Force Report and Recommendations

I am pleased to provide to you the final report and recommendations of the AOC Farmland Activities Task Force. The report represents the product of a nine month collaborative process by county elected officials, representatives of state agencies, county planners and numerous interested parties.

Last month, the Task Force’s draft report and recommendations were presented at AOC’s Fall Conference to the Community Development Committee and to the full membership at the Annual Meeting. The final report reflects comments and suggestions received at Fall Conference. Opportunity for additional comment was afforded AOC members through November, however no comments were received after the conference.

AOC Board of Directors created the Farmland Activities Task Force in April 2010. The Board’s action was stimulated by a panel discussion at AOC’s 2009 Fall Conference on new uses that were being established on farmlands and increased attention to events and activities at wineries following the passage of SB 1055 during the 2010 February special legislative session. A number of county commissioners requested that AOC take a leadership role in addressing the increased concerns regarding nontraditional agriculture uses on farmland and the promotion of agricultural tourism in many areas of the state.

AOC’s Board charged the Farmland Activities Task Force to:
1. review current patterns of use on farmland;
2. assess the impact and compatibility of agricultural tourism on farming operations and the farming community;
3. identify infrastructure needed to support appropriate uses in agricultural areas; and
4. develop recommendations to minimize conflicts.

Based upon its review of the activities and events that are taking place on farmland and associated issues and concerns, the Task Force concluded that existing law does not clearly provide opportunities to conduct activities and events on farmland. The Farmland Activities Task Force has developed a legislative concept to clarify how activities and events in conjunction with farm use may be permitted on farmland. The legislative concept provides additional opportunities for counties to permit activities and events on farmland. See page 4, Recommendations of the Task Force Report.
This proposed legislation is intended to provide county planners with additional tools for their tool boxes. The opportunities provided in the legislation would be used at the option of counties and are in no way meant to be mandatory. The Task Force realizes these recommendations may not provide an opportunity to conduct activities and events on farmland which do not promote farm use. However, we believe it is a good basis for providing balance between the conservation of farmland and the need of farmers to use their land in beneficial yet non-traditional ways.

On behalf of the Task Force, I recommend acceptance of the Report, dated December 13, 2010, and ask that the legislative concepts be forwarded to the 2011 Legislature for their consideration.
At the Association of Oregon Counties (AOC) 2009 fall conference, a panel discussed new uses that are being established on farmlands. Some of the uses were specifically allowed by state statute and administrative rules, some are allowed as they are in conjunction with farm use, some make their way through interpretation of local regulations and others just happen.

As a result of the panel’s presentation and discussion, the fact that many counties are faced with increasing concerns regarding nontraditional agriculture uses on farmland, and the promotion of agricultural tourism in many areas of the state, AOC’s membership requested that the Association take a leadership role in addressing this delicate and complicated matter. In response, the AOC Board of Directors created the Farmland Activities Task Force (FATF) in April 2010 to study the issue, and to provide a report and recommendations to the membership at AOC’s 2010 fall conference.

The AOC Board of Directors appointed Yamhill County Commissioner Mary Stern as chair of the FATF and Art Schlack as staff. The Board also solicited interested commissioners for membership on the committee. Agency heads and interested parties were also contacted for their participation. See Exhibit A for the list of FATF Members and Interested Parties.

The Farmland Activities Task Force shall:
1. review current patterns of use on farm land;
2. assess the impact and compatibility of agricultural tourism on farming operations and the farming community;
3. identify infrastructure needed to support appropriate uses in agricultural areas; and
4. develop recommendations to minimize conflicts.

To gain a better understanding of the scope of activities and events being conducted on farmland and how they are being managed, the Farmland Activities Task Force directed staff to conduct a survey of Oregon’s counties. County Planners were asked to list activities; identify review processes, conflicts, limits and/or conditions; and indicate the significant issues associated with the
activities and events occurring in the county. A summary of the survey is attached as Exhibit B.

A number of state agencies and interest groups were invited to provide information and perspective regarding activities and events being conducted on farmland. The Task Force received presentations from:

- Oregon Department of Agriculture;
- Public Health Division of the Department of Human Services;
- Oregon Department of Revenue;
- Oregon Wine Association;
- Oregon Board of Agriculture;
- Oregon Liquor Control Commission;
- Hood River County Planning Department;
- Yamhill County Planning Department; and
- Department of Land Conservation and Development.

In addition, a large number of interested parties attended Task Force meetings held during the past seven months. Interested parties were given an opportunity to provide information and to comment at each Task Force meeting.

**PRINCIPLES AND ISSUES**

The Farmland Activities Task Force developed a set of principles with the assistance of state agencies and other interested parties to guide its work. A list of issues was also compiled based upon the responses to the statewide survey referenced above and the comments and discussion of the Task Force.

**Principles**
The FATF developed and approved the following principles:

1. Give preference to “farm use” as defined in ORS 215.203(2) (a) on farmland.
2. Support economic activities that compliment farm use.
3. Seek opportunities for better communication between those wishing to establish non-traditional farm uses and those who may be impacted by such activities.
4. Ensure compliance with public health, environmental health and safety requirements when establishing other uses on farm land.
5. Ensure activities associated with “farm use” (i.e. efficient operation of equipment and transport of products to market in a timely manner) are not impaired.
6. Assist counties with establishment of clear, transparent, and to the extent possible, consistent processes for consideration of traditional and nontraditional farm activities.

**Issues**

County planners and stakeholders raised the following issues:
1. **Activities/Events**
   - Dinners/food service
   - Entertainment/concerts
   - Charitable, corporate and political functions
   - Weddings/reunions
   - “Farm to Table” dinners
   - Bike and running/walking events
   - Pumpkin patches and corn mazes
   - Recreation/sporting events, such as soccer, motor/bike cross, ATVs, etc.
   - Recreational complexes with permanent improvements
   - Shooting Ranges
   - Dog agility training
   - Art and landscape painting at farms
   - Farm stays (similar to dude ranch)
   - Farm to school/education

2. **Compatibility**
   - Traffic volume and congestion
   - Noise
   - Lighting
   - Hours of operation
   - Dust and spraying
   - Trespass
   - Frequency and scale of activity
   - Impacts to resource production (on site and surrounding area)
   - Aesthetics – maintaining rural atmosphere/lifestyle

3. **Support Services and Requirements**
   - Transportation issues such as traffic flow, parking, emergency services
   - Public health requirements, including food service, sanitation, garbage
   - Groundwater/wells
   - Building/fire safety

4. **Process**
   - Consistent county interpretation of what activities are allowed on farm land
   - Public notice
   - Neighborhood compatibility/impact
   - Enforcement
   - Consistency between farm uses
   - Coordination between state agencies and county departments
   - Property tax consequences and differential between farm deferral and tax on land uses for activities/events.
Upon review of state statute and administrative rules, the results of the county survey of activities on farmland, and the information, comments and discussion at its meetings, the Task Force found that existing state law does not clearly provide opportunities to conduct activities and events on farmland. While state law is quite prescriptive regarding uses that may be established on farmland, it is vague when it comes to nontraditional activities which promote agriculture and agri-tourism. As a result, counties have taken different approaches to address questions related to the establishment of activities and events on farmland.

The Farmland Activities Task Force has developed a legislative concept to clarify how activities and events in conjunction with farm use may be permitted on farmland. The concept amends state statute to include activities that promote farm use in ORS 215.283(2)(a). Additionally, two new sections are recommended to be added to ORS 215.283 providing for a Limited Use Permit and a Single Use Permit. These new sections would allow for activities which promote agriculture or agri-tourism on a limited basis.

The Task Force discussed a number is issues related to events on farmland. One such issue is food inspection. Generally, food inspection is the responsibility of the Department of Human Services. However, on farmland, food inspection is often carried out by the Oregon Department of Agriculture through an agreement with the Department of Human Services since they are often working in the area. The Task Force believes that food service inspections for other than limited service restaurants should be the responsibility of the Department of Human Services and County Health Departments. The Task Force recommends that Oregon Department of Agriculture, Department of Human Services and county representatives work together to address this matter.

The Task Force also discussed issues related to preparation of food for public consumption on site (commercial kitchens); restaurant facilities; rental space for conferences, receptions and weddings. The Task Force concluded that these types of activities should be considered through the conditional use permit process as commercial activities in conjunction with farm use. Food service beyond that which is permitted under a limited service restaurant could be allowed for those uses authorized as a commercial activity in conjunction with farm use. It is intended that counties would have the flexibility, through this process, to determine the level and frequency of food service and have the authority to condition such uses accordingly. Note: The proposed amendment to ORS 215. 283(2)(a) is intended to clarify that commercial activities may include activities that promote farm use and are subordinate to the primary farm use of a tract.

Questions regarding differences in soil quality and types of crops found in western Oregon and the Willamette Valley compared to eastern Oregon raised the issue of regional differences. The
Task Force discussed whether the permit criteria for farmland activities for counties outside the Willamette Valley should be modified to allow uses that provide incidental income for farmers even when the activity is not strictly promoting farm use. A consensus on this issue was not reached by the Task Force.

**Legislative Concepts**

1. **Amendment to ORS 215.283(2)(a)**
   The **bold** type amends ORS 215.283(2)(a)

   Commercial activities that are in conjunction with farm use, including the process of farm crops into biofuel not permitted under ORS 215. 203(2) (b)(L) or subsection (1)(r) of this section. Commercial activities may include the promotion of farm use if the activities are subordinate to the primary farm use of the tract.

2. **Limited Use Permit Authorization – Amendment to add ORS 215.283(4)**
   The **bold** language would amend 215.283 by adding (4)

   ORS 215.283(4) A Limited Use Permit subordinate to the farm use on a tract of land zoned for exclusive farm use may be established to promote farm use subject to the approval of the governing body or its designee. The number of events authorized by a Limited Use Permit may not exceed six (6) within a calendar year and each event may not exceed 72 hours in duration. Limited Use Permits authorized under this section are personal to the applicant and may not be transferred to another party. Authorized permits are subject to renewal every two (2) years to ensure compliance with the provisions of this section and conditions that may be established by the governing body or its designee.

   Limited Use Permits are subject to the provisions of ORS 215.296 and the following:

   (a) Permitted uses under this subsection may occur in temporary structures or in existing permitted structures subject to fire, health and life safety requirements.
   (b) An application for limited use permit shall contain the following elements:

      (1) A narrative describing the limited use(s) subject of the permit, number of events/activities during the calendar year, anticipated daily attendance, and hours of operation;
      (2) A site plan identifying the location of existing structures, access/egress, and parking facilities;
      (3) A plan for providing sanitation facilities and solid waste management; and
      (4) A plan for traffic management in the area and at site.

3. **Single Event Permit Authorization - Amendment to add ORS 215.283(5)**
   The **bold** language would amend 215.283 by adding (5)

   ORS 215.283(5) A single event permit may be authorized by the governing body or its des-
ignee in an area zoned for exclusive farm use subject to the following:

(1) A Single Event Permit may be issued for an event on a tract of land zoned for exclusive farm use, for the purpose of promoting farm use subject to the approval of the governing body or its designee. A Single Event Permit may be issued for no more than one event per calendar year per tract. The event will be limited to not more than 72 hours in duration, a maximum attendance of 500 people, and no more than 250 vehicles. A Single Event Permit is personal to the applicant and does not transfer with the sale of property. No new permanent structures are allowed.

Single Event Permits are subject to the provisions of ORS 215.296 and the following:

(a) Permitted uses under this subsection may occur in temporary structures or in existing permitted structures subject to fire, health and life safety requirements.
(b) An application for a single use permit shall contain the following elements:
   (1) Hours of operation (start and end time);
   (2) Access/egress and parking plan;
   (3) Traffic management plan which identifies the number of vehicles projected at estimated times, any access issues, and any anticipated use of public roads;
   (4) Provisions for sanitation and solid waste.

(2) A County may provide for an optional expedited Single Event Permit, which is not a land use decision under ORS 197.015, subject to specific standards to ensure the event is subordinate to the farm use on the tract and is compatible with commercial farm use on adjoining lands.

The following standards apply to the event and must be included in the specific standards when a Single Event Permit is issued under this subsection:

(a) May not begin before 6:00 a.m. or conclude after 10:00 p.m.;
(b) May not involve more than 100 attendees or 50 vehicles;
(c) May not include the artificial amplification of music or voices before 8:00 a.m. or after 8:00 p.m.;
(d) Shall not require and will not involve the construction or use of any new permanent structures;
(e) Must be located on a tract of at least 10 acres in size unless the owners or residents of adjoining properties consent, in writing, to the event; and
(f) Must comply with applicable public safety and health requirements.

Note: The legislative concept set forth above provides for amendments to ORS 215.283 which applies to 34 of Oregon’s 36 counties. Parallel amendments are also recommended to ORS 215.213(2)(c) and to provide for Limited Use Permits and Single Event Permits in ORS 215.213 related to marginal lands.
EXHIBIT A

AOC FARMLAND ACTIVITIES TASK FORCE
Members and Interested Parties

TASK FORCE MEMBERS:
Commissioner Mary Stern, Yamhill County, Chair
Commissioner Annabelle Jaramillo, Benton County
Commissioner Charlotte Lehan, Clackamas County
Commissioner Jim Bernard, Clackamas County
Commissioner John Lindsey, Linn County
Commissioner Deborah Kafoury, Multnomah County
Commissioner Sam Brentano, Marion County
Commissioner Tammy Baney, Deschutes County
Commissioner John Hatfield, Jefferson County
Commissioner Leann Rea, Morrow County
Commissioner Tom Brian, Washington County
Commissioner Dan DeBoie, Wallow County
John Zielinski, Oregon Farm Bureau Representative
Shawn Cleave, Oregon Farm Bureau
Linda Ludwig, League of Oregon Cities
Jim Johnson, Oregon Department of Agriculture
Richard Whitman, Department of Land Conservation and Development
Ray Naff, Office of the Governor
Bobby Green, Department of Human Services
John Svadlenak, Oregon Department of Transportation
Jim McCauley, Washington County
Alex Cuyler, Lane County
Representative Vic Gilliam
Representative Brian Clem
Senator Jackie Dingfelder

Staff:
Arthur J. Schlack, AOC Policy Manager
Mike Brandt, Yamhill County Planning Director
Mike Eliason, AOC Policy Manager

INTERESTED PARTIES:
Commissioner Janet Carlson, Marion County
Judge Steve Grasty, Harney County
Commissioner Patti Milne, Marion County
Todd Davidson, Travel Oregon
Scott West, Travel Oregon
Lisa Stevens, Oregon Wine Growers
Jim Just 1000 Friends of Oregon
Dave Hunnicutt, Oregonians In Action
Dan Jarman, Oregon Wine Growers
Karla Kay Edwards, Cascade Policy Institute
Donna Delikat, Oregon Lavender Association
Jon Pinkstaff, Attorney, Lane Powell
Barb Iverson, Wooden Shoe Tulip Farm
David Adelsheim, Willamette Valley Wineries Association
Rod Strand, National Animal Interest Alliance
Will Neuhauser, Nature Conservancy
Barb Young, Marion County
Beth Herzog, House Agriculture, Natural Resource & Rural Communities Committee
Beth Patrino, Senate Environment & Natural Resource Committee
Danielle Cowan, Clackamas County
Jim Austin, Clackamas County
Karen Schilling, Multnomah County Planning
Kelly Madding, Jackson County Planning
Brandon Reich, Marion County Planning
Mike Benedict, Hood River Planning
Nick Lelack, Deschutes County Planning
Austin McGuigan, Polk County Planning
Chris Bentley, Benton County
Chuck Beasley, Multnomah County
Greg Verret, Benton County Community Development
Michael Morissey, Department of Land Conservation & Development
EXHIBIT B
Activities and Events Conducted on Farmland

Baker County
Activities
Weddings, Bike Races, Motorcycle Rally, Equestrian Event

Review Process
Weddings and most other events not reviewed

Conflicts
None

Other Limits
Health codes and notifying emergency services

How Significant an Issue
Not significant

Suggestions
Would like to see more of these uses, such as weddings and bike races, specifically allowed, leaving how the event would be regulated to the county

Benton County
Activities
There are activities going on “under the radar” as the activities have not been approved by the county because the county has not been made aware of them and complaints have not been received. Examples include winery events, coffee stands, produce stands, bike rides, festivals and others.

Review Process
Many of these are not reviewed, but would not be allowed if they were reviewed. Farm-based processing, farm stays, and events as an element of commercial activity in conjunction with farm use are reviewed under the conditional use permit process. Festivals are reviewed as a Mass Gathering, and produce stands are permitted outright.

Conflicts
No real conflicts, other than occasionally hearing from a farmer that a non-farm use in their vicinity makes farming more difficult.
**Other Limits**
Official position is that weddings can be allowed under the provisions for mass gatherings but not allowed as an ongoing business. Regarding the many uses already occurring, county does not pursue enforcement unless complaints are received.

**How Significant an Issue**
Relatively minor, the bigger issue is what are our goals for the rural landscape and does our current land use system promote or hinder that.

**Suggestions**
There is great variability in the agriculture that happens in Benton County, including a relatively high percentage of organic and small-scale farming, which tends to be more compatible with events. Most of the conflicts the county sees between farm uses and activities/events concern large-scale industrial agriculture. Many questions need to be considered related to discussing what is the ideal role for agriculture: How do our farmland policies interact with our food system, and thereby our health system What impacts do EFU policies have on food security What is the future of farming Are stringent farmland protection policies protecting farmland that real farmers cannot productively farm And many others as well. It is important to involve all stakeholders in this conversation as it goes forward.

**Clackamas County**

**Activities**
Weddings, Soccer tournaments, outdoor concert, motorcycle/bicycle and ATV tracks, and private recreational parks.

**Review Process**
Weddings are reviewed under home occupation ordinance. Two conditional use permits have been approved under this ordinance. The ordinance allows up to two events per day. A Soccer tournament took place last year unreviewed but for this year the sponsors are being told it may only be approved through a Mass Gathering permit. Otherwise these types of facilities may be permitted on low value farmland as a private park. The outdoor concert was approved last year as a temporary event that did not rise to the level requiring land use approval. The event was deemed a disaster for several reasons, and the belief is that events such as this should be re-viewed as a Mass Gathering.

**Conflicts**
Most common complaints are noise, dust, trespass, traffic, impacts on groundwater (wells) and surface water, and the ability to conduct common farm/forest practices. Noise is the most common complaint, however, in most cases it is noise conflicts with residential uses in the area and not farm uses. Traffic is almost always raised as an issue, but traffic concerns are normally relative to overall capacity and the safety of the road system and not impacts on farm uses. Liability issues are also common impacts raised by farmers due to increased activity and people in the area and the concern of conducting common farming practices such as spraying and fertilizing.
Other Limits
The County Home Occupation to Host Events ordinance limits the hours of operation, number of events per week and per day, the size of events, and also addresses lighting, noise and parking requirements.

How Significant an Issue
Clackamas has a large EFU land base, much of it in close proximity to the Metro area or one of the many rural cities in the county. Therefore there is pressure to conduct many of the activities and land uses identified previously in this survey. Nonfarm uses already represent some conflicts with farm uses in the county. Farmers operating valid commercial farms are looking for ways to expand, broaden and market their farms. Additional activities that can be done “in conjunction with a commercial farm operation” should be considered.

Suggestions
Events, private recreational parks and facilities and other similar land use proposals should be evaluated through a public hearing (conditional use process). The nature of these events generally include activities that can have significant impacts on farm uses, with impacts varying based on the proposed use, size and physical characteristics of the property. The combination of all these factors warrants a thorough review to ensure the protection of farm uses in the area.

Clatsop County
Activities
Very few non-farm use events, most common are weddings, one conditional use application for a campground

Review Process
Weddings not reviewed, campground reviewed as a conditional use

Conflicts
None documented

Other Limits
Heavy conditions on campground, in terms of number of campers, location, parking, etc.

How Significant an Issue
Minor

Suggestions
Permitting process seems to work well and county relies on citizens to let them know whether permitted facilities or events are complying with conditions of approval

Columbia County
Activities
None recently
**Review Process**
Special events using public rights of way require a Public Road Event Permit from Board. Special events occurring more than once a quarter are deemed land uses and require either a temporary use permit or a conditional use permit.

**Conflicts**
None

**Other limits**
N/A

**How Significant an Issue**
Not on EFU lands, however, some events on mixed farm/forest and forest lands, such as mud runs or motorcycle events.

**Coos County**

**Activities**
Off road and ATV events

**Review Process**
Not reviewed

**Conflicts**
Impacts on shared access, streams and rivers

**Other Limits**
No review and no limits

**How Significant an Issue**
Not sure, have seen advertising for more events in different locations (signs along highway for events)

**Suggestions**
Mass gathering provisions may not be adequate if local officials aren’t interested in adopting provisions

**Deschutes County**

**Activities**
Weddings, both private and commercial in nature and the frequency of each is unknown. Soccer games, dinners, concerts, and bike races.

**Review Process**
Weddings are not reviewed by the county. The soccer group has stated publicly that they intend to apply for a private park for up to ten soccer fields on EFU land. There is already a large public park in the EFU zone that is operated by the Bend Metro Parks districts and contains multiple
fields for different sports. Large events, such as bike races and concerts, receive mass gathering permits or event permits. Others are allowed per state law or are not reviewed.

_Conflicts_
Primary conflicts are noise, traffic, dust and lightning. Other complaints have been raised during public hearings, such as impact on farm animals, proximity of events to neighboring properties, and use of agriculture-exempt buildings for commercial event venue purposes.

_How Significant an Issue_
Unpermitted wedding receptions on rural lands are a major issue and source of conflict.

_Suggestions_
Clarity is needed on whether weddings and other commercial events are an allowed land use in the EFU zone as a private park or other land use (or a new stand-alone conditional use). If so, there needs to be clear and objective standards and criteria that can be applied to the land use.

_Douglas County_

_Activities_
Weddings, Motorcycle and Dirt Bike races, sand drags, non-profit fund raising events, concerts and spiritual gatherings. Weddings generally held on weekends. Bike racing events usually seasonal, concerts have been one-time events and spiritual gatherings are annual events.

_Review Process_
Weddings reviewed through conditional use process (CUP) as a private park. Racing events, concerts and spiritual gatherings reviewed through “Temporary Outdoor Gatherings (TOG)” process if attendance fewer than 1,000 or through “Temporary Use Permit (TUP)” process if attendance is over 1,000.

_Conflicts_
None reported

_Other Limits_
For TOG’s and TUP’s, Organizers must sign an agreement of responsibility for any incidents of trespass onto adjacent or nearby lands and demonstrate fire protection and suppression. Duration and frequency also limited. For CUP’s, conditions of approval may include limited hours, special yards/fencing, noise mitigation measures, dust abatement.

_How Significant an Issue_
Not a significant problem, potential problems have been effectively mitigated through approval process.

_Harney County_

_Activities_
“Steens Rim Run 10K,” weddings at local residences, multiple bed and breakfasts, and an annual Steens Mt. Running Camp.
**Review Process**
The Steens run is treated as a mass gathering and is not reviewed, weddings are not reviewed, and the Steens Mt. Running Camp is a conditional use.

**Conflicts**
None

**Other Limits**
None

**How Significant an Issue**
Not a significant source of conflict. In tough economic conditions, the need to explore more commercial/recreational uses on EFU may become more important looking ahead.

**Suggestions**
To date, activities that have not been processed through the local land use review process have not warranted zoning oversight. For uses more intensive (monthly or daily), an administrative review which includes a public notification process may be necessary depending on the jurisdiction.

**Hood River County**

**Activities**
Weddings, road rally race, bike touring rallies, bike/ped trail, beer brewery and one bakery

**Review Process**
Weddings need conditional use permit, road rally and bike touring not reviewed, beer brewery and bike/ped trail needs CUP and bakery needed a farm stand application.

**Conflicts**
A few noise complaints about weddings in the past but no reported conflicts recently

**Other Limits**
With weddings the number of events and guests are regulated, stricter noise standards and operating hours. The Road Rally race is only regulated by the Sheriff and Public Works Director and the beer brewery will be treated the same as a winery. The Bike/Ped trail required stream side mitigation, special gates and signage and closure during orchard spraying

**How Significant an Issue**
Not significant, has actually worked out well and is a “nice marriage of tourism with agricultural-related activities through such things as the Fruit Loop Tour Route, etc.”

**Suggestions**
Would like counties to have as much flexibility and local control as they can so that each county can decide what the best fits are for their ag community and local economy. Many of the non-traditional events occurring on EFU land are being operated by long-time farmers.
Jackson County
Activities
Weddings, wineries, tasting rooms, rodeos, educational programs, farm crop processing, non-profit special events, pumpkin patches, family cemetery, farm-to-family programs.

Review Process
Some, such as weddings and educational programs, are reviewed as a conditional use. Others, such as farm-to-family programs, non-profit special events and the family cemetery, are not reviewed. Rodeos are permitted outright. Pumpkin patches are treated as a seasonal temporary use.

Conflicts
Weddings being held during harvest or spray times, urban uses in rural areas creating conflicts with farmers attempting to transport or move equipment on the roads. Also recreational and commercial uses take land out of farm production.

Other Limits
Limited to seasonal activities, designated setbacks, noise restrictions, number of attendees, designated parking areas, limited duration of events, limited to quarterly events for mass gatherings, addition of buffer yards, and portable sanitary units must be provided.

How Significant an Issue
Conflicts arise more from residential dwellers than the farmer. This is due to the limited events that are allowed. Major issue is that the farmers are requesting value-added activities that don’t fit into such a prescriptive system. Also, urban uses on rural lands affect the road system which is not equipped to handle the transportation demand.

Suggestions
CUP is the most appropriate method by which to review activities, 25% limit should apply to lands being utilized outside of the farm production on the site. Limitations should be based on the number of acres being dedicated to the use. Areas of disturbance should maintain a sufficient buffer to other intensive farm uses on adjacent parcels. Also recommends adopting a more flexible winery production facility standard. One other suggestion is to categorize levels of uses where some may be ministerial and others administrative to allow some flexibility when standards are established.

Lane County
Activities
Weddings, generally on weekends during the summer

Review Process
Reviewed as conditional use, the inside portion is considered a home occupation, the outside portion needs a temporary use permit. For wineries, commercial use in conjunction with farm use.
**Conflicts**
Primarily noise, traffic/parking, old barn structures needing a change of occupancy and building permit upgrades.

**Other Limits**
Hours of operation, traffic and parking, and noise regulations.

**How Significant an Issue**
Requests for event use on EFU land is increasing. Currently processing a Special Use Permit for King Estate Winery to allow the restaurant use and other events. The application is currently on hold and the “other events” portion of the application may have been addressed by recent legislative changes (SB 1055). Wineries are wanting clear guidelines, and if some have to go through the land use process, they want all to have to go through the process.

**Suggestions**
Home occupation requirements seem to work and the temporary use permit provides review to assure compatibility.

**Linn County**

**Activities**
Jet boat races, music festival, mud bog races and weddings, with weddings being far and away the most prevalent.

**Review Process**
No process for weddings, the others are reviewed under as an outdoor mass gathering, though several of the events (jet boat and mud bog races) are claiming exemptions for being under the 3000 person threshold.

**Conflicts**
Occasional complaints regarding weddings. Jet boat races generate complaints from immediate neighbors re: noise and hours and a refusal to remove signs, etc. and return land to farm use. No known complaints about music or mud bog races.

**Other Limits**
Events must be less than 120 hours in a three-month period and outdoor mass gathering permits require land to be returned to farm use.

**How Significant an Issue**
Both a major and minor source of conflict for events that are largely unenforceable.

**Suggestions**
Clearer language from the state stating no event may occur over 120 hours in any three-month period.
Marion County

Activities
Winery events, sometimes several times per week. Concerts and fairs, bike tours, private weddings/receptions on private property, suspect events being held on nurseries that would not be currently allowed in the zone. Several farm stands that have fall festivals and at least one property that has fireworks events several times per year.

Review Process
Winery events are not reviewed but most often there are violations due to the limited service restaurant food service limits. Mass gathering permits are required for the concerts and fairs. The bike tours are reviewed and permitted by the engineering and traffic division. The farm stands with fall festivals are allowed provided they have a farm stand permit and the income is included in the 25% limit. The fireworks events need a permit from the fire district.

Conflicts
Arise mostly with repetitive events such as weddings that have resulted in adjacent farm operators being prevented from conducting accepted farm practices. Two reports of wedding parties chasing the farmers off their tractors. Single private events have not created conflicts. The conflicts expand exponentially when the events become a regular occurrence and a business.

Other Limits
Hours, noise levels, parking and traffic control requirements, limits on camping and compliance with sanitation standards. Some events require approval of the local fire district and sheriff’s office. Setbacks required from properties in the farm or forest. Different types of events require different limits.

How Significant an Issue
Major issue

Suggestions
Events in conjunction with a winery or farm stand have the potential for significant conflicts with farm operations and should be allowed on a very limited and controlled basis.

Morrow County

Activities
Only activity is rodeo or rodeo-like activities that have not been problematic

Review Process
Treated as an outright use

Conflicts
None

Other Limits
None
How Significant an Issue
Not significant

Multnomah County
Activities
Weddings, large parties, farm to plate dinners, concerts, bike races, fee-based events such as corn mazes, pumpkin slinging, school group tours, hay rides, kid slides, flower sales, corporate picnics

Review Process
Weddings are not reviewed, farm-to-plate dinners approved through a farm stand review, some concerts are reviewed, and when they are it’s through a farm stand review. Some of the other events are also reviewed and approved through a farm stand review process.

Conflicts
Complaints from neighbors of disruptions to “rural setting life” for non-permitted and permit-ted activities from noise created and excessive traffic on rural roads. Also, complaints of turning EFU land into seasonal circus/fair venues, events potentially hindering movement of farm equipment and emergency services on narrow roads, concerns that farmers will not be able to conduct legitimate farm practices adjacent to public events without being asked to cease. Parking within the right-of-way on narrow roads has also been a problem.

Other Limits
Aside from events qualifying under state mass gathering statutes, events are regulated through the farm stand provisions. All incidental sales, prepared food items and fee-based activities limited to 25% of the total sales of the farm stand, use of structures prohibited, traffic studies required, sanitation must be provided, and the applicant must show a reasonable tie between the farm and the proposed fee based activity and demonstrate the farm is not just being used as a backdrop to the activity. Also consider whether the primary focus is the event itself (commercial weddings) or to promote the sale of farm products (open air “plate and pitchfork” dinners)

How Significant an Issue
Increase over the past few years in the number of complaints received for expanded non-permit-ted and/or non-farm activities occurring on EFU land. Major source of conflict when there are unpermitted activities on EFU land. Typically, if the property has secured permits, there are no major conflicts. The time spent on implementing the farm program has generally increased due to difficult to apply regulations, complaint responses, and issuing land use decisions that cover all of the bases.

Suggestions
Would like to see the state consider allowing zoning changes on select farm lands for true “agri-tainment” operations. These commercial centers could serve as a valuable community asset but should be consolidated into larger, more viable commercial footprints, rather than a scattering of medium-sized businesses throughout the agricultural landscape.
Polk County

**Activities**
Weddings, paintball facilities, concerts, art shows, mud boggling.

**Review Process**
Most begin as an illegal use and are guided through a land use application as the result of a code enforcement action. Most are then reviewed through an administrative review process. Some require a conditional use permit (home occupations, private parks). However, one-time events that do not trigger a mass gathering are generally not regulated and there are seldom applications for outdoor mass gatherings. Some applications have been denied, such as for motocross tracks, and some have had extensive conditions placed on them, such as mud boggling events.

**Conflicts**
Not many complaints about activities that are operating in compliance with a land use approval impacting accepted farm practices on neighboring properties. Complaints are typically related to noise, traffic, lighting, and sometimes litter. These complaints may be valid but are typically filed without a clear nexus to how they are impacting accepted farm practices. Some unauthorized activities have resulted in excessive dust and trespassing.

**Other Limits**
Hours of operation, frequency, parking noise, special engineering for race tracks and spectator stands, security. Potential conflicts are evaluated through the land use process and limit the applicant to a specific proposal that provides certainty for surrounding property owners and the applicant.

**How Significant an Issue**
Polk’s approach has been effective at limiting conflicts. Allowing activities on EFU land is a significant issue in the county as wineries, diversified agriculture (niche organic, gourmet crops, farms stands) and agritourism are becoming an important part of the rural economic landscape. Overall, activities and events on EFU land have not been a major source of conflict.

**Suggestions**
Important to understand that many approved activities benefit agricultural enterprise areas and the local economy, while others have provided ways for farmers to supplement their income and provide opportunity in economically distressed rural areas. Dynamic land use laws are needed to foster and balance these opportunities and should be re-evaluated to determine how best to balance conflicts and provide opportunities in the changing agricultural economy. Allowing the opportunity to evaluate EFU activities through the local process, with local control and discretion, is a better approach than a “one-size fits all” approach.

Umatilla County

**Activities**
Weddings, fundraisers, bike races, Cycle Oregon, corn mazes, and seasonal farm stands. Most are seasonal and occur only once or a few times per year.
Review Process
One Conditional Use Permit for a wedding facility within an existing farm dwelling area. One zoning permit issued for a two-day gathering associated with a winery. Most of the other uses allowed outright, without any permits.

Conflicts
None to date

Other Limits
Provisions for prohibiting parking on county roadways. No other limitations, other than complying with state laws i.e. food handling, onsite septic, off-street parking, etc.

How Significant an Issue
Relatively minor issue, don’t expect any conflicts that can’t be addressed and mitigated.

Suggestions
Leave the ORS and OAR’s the way they are, allowing for local control and local flexibility

Union County
Activities
One EFU event site that is used infrequently for weddings and one event site in a Rural Residential Zone that was approved through a Conditional Use process under Home Occupation

Review Process
EFU site not reviewed

Conflicts
None

Other Limits
Limits on weddings in the Rural Residential Zone have been effective

How Significant an Issue
So far not significant

Wasco County
Activities
None to date, but anticipate events happening as the local wine industry grows.

Review Process
When events do begin to take place, they will be reviewed as a Home Occupation and will need a conditional use permit.

Conflicts
None yet
Other Limits
Not at this time

How Significant an Issue
So far not an issue

Washington County
Activities
Weddings, bike races, concerts, farm dinners, soccer games

Review Process
Most are not regulated via land use approvals but are handled by Code Enforcement if complaints are received. Some events, when requested in advance, are categorized as small “mass gatherings” not subject to land use review because the County has not adopted regulations addressing “small gatherings.” Some events may require permits from the Road Operations Division because public roads may be impacted by the event. Weddings and concerts likely occur weekly during summer, bike races occur sporadically. Soccer games reviewed by Code Enforcement.

Conflicts
Typical complaints relate to traffic/parking issues spilling onto adjacent private property or public streets. Rarely have farm impacts been the reason for the complaints.

Other Limits
Code Enforcement files are opened when complaints are received regarding businesses operating without land use permits.

How Significant an Issue
Issues arise when attempting to regulate activities and events on EFU consistent with current OAR’s. The perception in the farming/winery community seems to be that Washington County is more strict than Yamhill County. Without clearer direction on these state standards, conflicting interpretations invite comparisons and conflicts. Sometimes the conflict rises to a level of a major conflict when the difference in approach between different counties is brought to the attention of decision-makers/political campaigns and divides the farming community. As a result, enforcement actions are often abandoned.

Suggestions
Clear and objective standards should be established so that there is consistency across county boundaries, which would benefit landowners and result in better planning decisions. The process of updating OAR’s to respond to new “business plans” would help ensure a balance between economic development goals and protection of farm operations. The OAR’s could clarify whether these new business plans fit within existing allowed non-farm uses, or whether it is a new non-farm use. For example, the OAR’s could clarify whether weddings are allowed as private parks, home occupations, or accessory to a winery. Currently, every county treats them differently. Also, state agency actions must be consistent with local land use. For example, OLCC permits
should not be issued when the operation is not permitted by a land use decision.

**Yamhill County**

**Activities**
Weddings, winemaker dinners, concerts, reunions, corporate retreats. This year, two groups are proposing half-marathons through the countryside. The winemaker dinners occur year-round and the other activities are typically occurring on summer weekends.

**Review Process**
Events related to the promotion of farm products are generally reviewed as a conditional use for a commercial activity in conjunction with farm use. Larger gatherings are reviewed as mass gatherings. Many of the smaller events, like weddings, are not reviewed because the county is often not aware of them until after the event.

**Conflicts**
Considering the large number, there have not been many conflicts. One incident was that a wedding party was alleged to have chased a farmer off his tractor because he was plowing during their event.

**Other Limits**
Limited time, duration and numbers that can attend the events. These limits are generally placed due to the limits of the facility.

**How Significant an Issue**
At this point, minor source of conflict but one that is growing. Main culprit is the weddings. Over the past 15 years, wineries have gone from hosting the occasional wedding or dinner to aggressively pursuing these uses as part of their business model. Problem is the growing off-site conflicts.

**Suggestions**
In most cases, activities should be allowed through the conditional use process and should only be allowed when there is a clear link to the promotion of farm use.

*Survey conducted by the Association of Oregon Counties, June 2010*