

Agritourism in Oregon's Coastal Counties

Land Use Policy and Permitting Requirements

AGRICULTURE AND FOOD INDUSTRIES make up 15 percent of Oregon's economy and provide one in every 10 jobs.¹ A growing number of agricultural enterprises across the country are entering the arena of agritourism to diversify their operations and generate additional income.²

Agritourism is defined as any commercial enterprise at a working farm or ranch conducted for the enjoyment of visitors that generates supplemental income for the owner. The USDA estimates that 52,000 U.S. farms, or 2.5 percent of all farms, earn income from agritourism. In 2012, 576 farms in Oregon provided agritourism and recreational services.³ With more than 35,000 farms statewide, there is ample room for growth in this area.⁴

Understanding the permits required to establish an agritourism enterprise is a crucial first step toward incorporating this type of activity into your existing operation. The state of Oregon's land use system provides a framework for regulating agritourism in the state. Because counties have a significant degree of latitude with respect to interpretation and implication of land use regulations, you should contact your local planning department to learn more about the specific requirements that apply to your business. Contact information is provided below.

Oregon's Land Use Planning System

In 1973, the Oregon Legislature adopted Senate Bill 100, which established the Oregon Land Use Planning program. The intent behind this legislation is to protect the state's farm and forest lands, conserve natural resources, and promote orderly and efficient urban development.⁵ Nineteen Statewide Planning Goals specify how to meet these objectives.

Of particular significance to agritourism are the agricultural zoning requirements presented in Goal 3. State law specifies the activities allowed on agricultural land zoned for Exclusive Farm Use (EFU), including the agritourism-related activities described below. For infor-



Agritourists enjoy an afternoon at EZ Orchards. (Photo courtesy of John Zielinski)

mation about specific regulations or permits that may be required in your county, it's best to contact your local planning department.

Farm Use

ORS 215.203 allows for the direct sale and marketing of farm crops that are grown/harvested on site. This statute encompasses such activities as U-Pick, U-Cut, Christmas tree sales, and Community Supported Agriculture (CSAs).⁶ Farm tours and demonstrations, as well as recreational activities such as hunting and fishing, are also allowed under this statute.

Farm Stands

As defined by ORS 215.283(1)(o), farm stands are structures "designed and used for the sale of farm crops or livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand."⁷

Examples of fee-based activities allowed under this statute are small-scale gatherings (birthday parties, picnics), corn mazes, school tours, pumpkin patch events, and farm animal exhibits. Annual sales of incidental items and fees from activities are limited to 25 percent of the total annual farm stand retail sales.⁶

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At this farm, pumpkins are pre-picked and laid out especially for agritourists. (Photo courtesy of FarmFlavor.com)

Home Occupation

ORS 215.213 allows for home occupations so long as the business is operated by a resident, or an employee of a resident, of the property on which the business is located, and the business employs no more than five full- or part-time employees. The business must be operated in the dwelling or other buildings normally associated with uses permitted in the zone in which the property is located, and must not unreasonably interfere with other uses permitted in that zone.

Examples of home occupations that may fall under this statute are craft and cooking classes and bed & breakfasts that accommodate up to five guests.

Agritourism Events

In 2011, Senate Bill 960 amended state law (ORS 215.283(4)) regarding allowable uses on EFU lands to include provisions specifically related to agritourism events.⁸ This law requires that agritourism events be “incidental and subordinate to existing farm use” and establishes different permitting requirements depending on the number and intensity of events.⁶

State law provides for: an expedited license for one event per year; a land use permit for one event per year; or a land use permit for six events per year. A land use permit is also available for up to 18 additional events per year.⁹ Each license or permit is subject to conditions set

by the county regarding attendance, duration and hours of operation, noise, acreage requirements, types of structures, sanitation, etc.⁶ More-detailed information is available here: www.oregonlaws.org/ors/215.283.

Counties in Oregon have the option of adopting the provisions established by SB 960, but are not required to do so. Contact your local planning department for the most up-to-date regulations that may affect your business.

Wineries

In 2011, the Oregon Legislature passed House Bill 3280, which expanded the list of agritourism activities allowed at wineries.⁶ Under this legislation, small and large wineries are allowed to engage in activities that are directly related to the sale and marketing of wine without local review. This includes wine tastings, wine club activities, winery and vineyard tours, etc.¹⁰

Small wineries (ORS 215.452) may hold up to 18 days of agritourism or commercial events per year. Events up to six days per year must be authorized by the local government through the issuance of a renewable, multi-year license. Events on days seven through 18 require a land use permit issued by the local government. Local governments may establish requirements related to the number of attendees, hours of operation, access and parking, etc.¹¹ More-detailed information is available here: www.oregonlaws.org/ors/215.452.

Large wineries (ORS 215.453) are required to obtain a permit from the local government if hosting more than 25 agritourism or other commercial events per year.¹¹ More-detailed information is available here: www.oregonlaws.org/ors/215.453. Agritourism or commercial events include: outdoor concerts; educational, cultural, or lifestyle events; facility rentals; and other events at which the promotion of wine is the “secondary purpose of the events.”¹¹

Coastal County Planning Departments

Curry

Curry County Community Development Department
Curry County Courthouse Annex
94235 Moore Street, Suite 113
Gold Beach, OR 97444
541-247-3304 or 888-811-1520
Planning Director Carolyn Johnson
JohnsonC@co.curry.or.us
Hours: Monday–Thursday 1–5 pm and by appointment
www.co.curry.or.us/Departments/Community-Development

Coos

Coos County Planning Department
Street location: 225 N. Adams Street
Coquille, OR
Mailing address: 250 N. Baxter Street, Coquille, OR 97423
541-396-7770
Planning Director Jill Rolfe
planning@co.coos.or.us
Hours: Monday–Friday 8am–12pm and 1–5pm
www.co.coos.or.us/Departments/Planning.aspx

Douglas

Douglas County Planning Department
1036 S.E. Douglas Avenue
Douglas County Courthouse – Justice Building, Room 106
Roseburg, OR 97470
541-440-4289
800-224-1619 (within Douglas County)
Planning Director Keith Cubic
planningwebemail@co.douglas.or.us
Hours: Monday, Tuesday, Thursday, and Friday 8am–5pm;
Wednesday 8am–12pm (closed every day 12–1pm)
www.co.douglas.or.us/planning/default.asp

Lane

Lane County Land Management Division
3050 N. Delta Hwy
Eugene, OR 97408
541-682-3577
Planning Director Lydia McKinney
lydia.s.mckinney@co.lane.or.us
Hours: Monday–Friday 9am–4pm
www.lanecounty.org/cms/one.aspx?pageId=4197862

Lincoln

Lincoln County Department of Planning and Development
210 S.W. 2nd Street
Newport, OR 97365
541-265-4192
Planning Director Onno Husing
Hours: Monday–Friday 8am–4pm
www.co.lincoln.or.us/planning

Tillamook

Tillamook County Department of Community Development
1510 B Third Street
Tillamook, OR 97141
503-842-3408
Planning Director Bryan Pohl
bpohl@co.tillamook.or.us
Hours: Monday–Friday 8am–4pm
www.co.tillamook.or.us/gov/ComDev/Planning/

Clatsop

Clatsop County Land Use Planning Division
800 Exchange St., Room 100
Astoria, OR 97103
503-325-8611
Planning Director Heather Hansen
comdev@co.clatsop.or.us
Hours: Monday–Friday 7:30am–4pm
www.co.clatsop.or.us/landuse



Signs like this can help guide agritourists to their destinations. (Photo courtesy of Farms-Reach.com)

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Additional Information

In addition to the above list, you may wish to refer to the following websites for tourism and agritourism information:

- tourism.oregonstate.edu
- industry.traveloregon.com/industry-resources/toolkits/welcome-oregon-agritourism-toolkit/
- www.agmrc.org/commodities-products/agritourism/
- www.farmersinspired.com/
- www.farmstayus.com/

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3. USDA National Agricultural Statistics Service. 2012 Census of Agriculture – County Data. Retrieved from bit.ly/2ojXxFj [last accessed 31 March 2017].
4. USDA Census of Agriculture. 2012. National Agricultural Classification Survey State Summary Highlights: 2012. Retrieved from bit.ly/2oHwck [last accessed 31 March 2017].
5. Department of Land Conservation and Development (DLCD). 2014. *A Citizen's Guide to the Oregon Coastal Management Program*. Salem, Oregon: Oregon Department of Land Conservation and Development.
6. Multnomah County Land Use and Transportation Division. (n.d.). Farm Stands, Agri-Tourism, Wineries, and Mass Gatherings: Rules and Regulations in Oregon [PowerPoint slides]. Retrieved from bit.ly/2oHFPI5 [last accessed 31 March 2017].
7. OregonLaws.org. (n.d.-a). 215.283, 2015 ORS, Vol. 6, Chapter 215, Exclusive Farm Use Zones. Retrieved from bit.ly/2oqa4DL [last accessed 31 March 2017].
8. Sprauer, A. September 2013. Agri-tourism and Winery Event Law in Oregon [PowerPoint slides]. Retrieved from bit.ly/2nI7ECm [last accessed 31 March 2017].
9. McCallister, M. 30 November 2012. *Navigating Land Use Regulations*. Video of presentation given at Oregon Agri-Tourism Summit, Corvallis, Oregon.
10. Albrich, E. 19 June 2013. Oregon Senate Bill 841 Provides Some Certainty for Wineries but Leaves Some Wanting [blog post]. Retrieved from bit.ly/2oirR2s [last accessed 31 March 2017].
11. OregonLaws.org. (n.d.-b). 215.452, 2015 ORS, Vol. 6, Chapter 215. Permitted Uses in Zones. Retrieved from bit.ly/2mWIClh [last accessed 31 March 2017].



Wagon rides are a perennial favorite for farm visitors. (Photo courtesy of FarmsReach.com)

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