

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass
Vote: 7 - 0 - 1
Yeas: Barnhart, Berger, Freeman, Garrett, Holvey, Hunt, Olson
Nays: 0
Exc.: Wingard
Prepared By: Beth Herzog, Administrator
Meeting Dates: 6/9

WHAT THE MEASURE DOES: Allows county to authorize single agri-tourism or other commercial event or activity on tract of land zoned for exclusive farm use (EFU) in calendar year. Stipulates conditions for authorization. Allows county to use expedited single event license to authorize event on land zoned for exclusive farm use (EFU) in calendar year. Stipulates conditions for authorization. Allows county to authorize limited use permit for up to six events on land zoned for exclusive farm use (EFU) in calendar year. Stipulates conditions for authorization. Allows county to authorize up to 18 other commercial events or activities that occur more frequently, for longer periods of time, or do not comply with other permits described above on land zoned for exclusive farm use (EFU) in calendar year. Stipulates conditions for authorization. Stipulates if winery sited on EFU land conducts events authorized under Act, winery may not conduct events that are authorized by local government under ORS 215.452 and subject to conditional approval of county. Establishes prevailing party in action or claim for relief alleging nuisance or trespass arising from farming or forest practices is not entitled to judgment for reasonable attorney fees and costs incurred at trial if party owns, operates or attends agri-tourism or commercial event authorized under Act and claim arises from event. Establishes that events authorized by county under Act may be allowed on lands zoned for EFU and designated and urban or rural reserves. Establishes use or structure that exists on effective date of Act at winery sited on EFU lands that produced more than 250,000 gallons of wine in calendar year 2010 may be lawfully continued, be altered, restored or replaced. Clarifies Act does not affect lawful continuation, alteration, restoration or expansion of winery sited on same tract. Clarifies winery sited on EFU lands that produced more than 150,000 gallons and less than 250,000 gallons of wine in calendar year 2010 does not require commercial activity permit in conjunction with farm use permit for commercial activities. Requires winery to comply with all winery conditions in ORS 215.452 except for annual production requirements. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Lack of clarity in role and responsibility of counties to authorize events on farm land
- Conditions of permit authorization
- Optional for counties to implement process

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: In Oregon, agricultural lands are conserved for agricultural uses and certain non-farm uses that are compatible with farming through the application of exclusive farm use (EFU) zones. As of 2009, about 15.5 million acres (56 percent of private lands in Oregon) were included in EFU zones. The EFU zone was developed by the Oregon Legislature in 1961 along with the farm tax assessment program. Farm use is encouraged and protected within the zone, while also allowing a variety of non-farm related uses that have evolved over the years. Minimum lot standards and dwelling approval standards limit the conversion of farmland to other uses. Senate Bill 960 A would allow counties to approve commercial events and activities on EFU lands under specific conditions.

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This summary has not been adopted or officially endorsed by action of the committee.