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**ELECTRONIC SUBMISSION ONLY (OREGON LEGISLATIVE INFORMATION SYSTEM)**

House Special Committee On Wildfire Recovery  
Oregon State Legislature  
900 Court Street  
Salem, OR 97301

Re: Support for SB 405

Dear Representatives,

I am writing on behalf of The Oregon Country Fair (“OCF”) in support of SB 405. The comments below are similar to the letter I submitted on February 24 to the Senate Committee on Natural Resources and Wildfire Recovery regarding this bill.

OCF is a 501(c)(3) nonprofit organization that creates events and experiences that nourish the spirit and promote healthy and sustainable living. OCF owns approximately 500 acres near Veneta in Lane County, where OCF hosts its annual Fair event as well as other events throughout the year. OCF is proud to contribute to our state’s culture and economy, including financial support for local arts, education and small businesses.

OCF operates its property under several land use approvals from Lane County, including nonconforming use rights for the annual Fair. OCF hosted the Fair as a large public event for 50 consecutive years until the coronavirus pandemic forced OCF to hold the event virtually in 2020. Unfortunately, OCF may not be able to host its traditional large public Fair again in 2021 because of the continued risks posed by the virus and associated public health orders that limit gatherings.

This situation also jeopardizes OCF’s nonconforming use rights to hold the Fair in future years. A nonconforming use is a use of land that was lawfully established before modern zoning rules that would otherwise restrict the use. The state nonconforming use statute allows a nonconforming use to continue until it is “interrupted or abandoned.” The statute leaves it to local governments to determine what constitutes interruption/abandonment.

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For example, until last year, the Lane County code mandated loss of nonconforming use rights after one year of non-use. In response to the pandemic, OCF successfully worked with the county in 2020 to extend this period to two years. The new two year interruption period, however, may now be insufficient to protect the Fair and other nonconforming uses in the county. Given that one to two-year interruption periods are common across the state, other nonconforming uses throughout the state are also at risk of losing property rights due to the coronavirus-related shutdowns that have occurred over the past year.

SB 405 resolves this issue by tolling local deadlines associated with nonconforming use interruptions caused by coronavirus public health orders. This is a simple and reasonable solution to protect longtime businesses and organizations and to prevent local land use disputes that may otherwise occur as counties lift coronavirus restrictions and more activities resume. OCF therefore respectfully urges passage of this bill.<sup>1</sup>

Sincerely,



Michael J. Gelardi

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<sup>1</sup> The A-Engrossed version of SB 405 includes a technical amendment to the language in Section 4 of the bill to clarify further that any nonconforming use that has been limited or prohibited as a result of an emergency order is not “interrupted or abandoned” within the meaning of ORS 215.130, for the duration of the relevant emergency order. OCF supports this amendment.