

House Bill 2695

Sponsored by Representative THOMPSON; Representatives ESQUIVEL, HUFFMAN, JOHNSON

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies criteria for siting winery in exclusive farm use zone and in areas zoned for mixed farm and forest use. Allows winery sited in exclusive farm use zone to conduct activities authorized for winery licensee under Oregon Liquor Control Act, except for on-premises sales of distilled liquor.

Establishes authority for Oregon Health Authority to license tasting room restaurants. Authorizes establishment of tasting room restaurant at winery or farm stand sited in resource zone. Defines "tasting room restaurant."

Authorizes events on farm operation with direct on-site sales, including farm operation with winery or farm stand. Defines "event."

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to uses allowed in resource zones; creating new provisions; amending ORS 197.015, 215.213,
3 215.246, 215.283, 215.296, 215.452, 215.455, 308A.053, 616.711, 624.010, 624.020, 624.041, 624.051,
4 624.060, 624.073, 624.080, 624.490 and 624.630 and section 6, chapter 567, Oregon Laws 2011; re-
5 pealing ORS 215.237, 215.238, 215.239 and 215.453 and section 11, chapter 679, Oregon Laws
6 2011; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

7 **SECTION 1.** ORS 215.452, as amended by sections 3 and 3a, chapter 679, Oregon Laws 2011, is
8 amended to read:
9

10 215.452. (1) A winery may be established as a permitted use under ORS 215.213 (1)(p) and 215.283
11 (1)(n) in an area zoned for exclusive farm use, **or in an area zoned for mixed farm and forest**
12 **use**, if the winery produces wine with a maximum annual production of:

13 *[(a) Less than 50,000 gallons and:]*

14 *[(A) Owns an on-site vineyard of at least 15 acres;]*

15 *[(B) Owns a contiguous vineyard of at least 15 acres;]*

16 *[(C) Has a long-term contract for the purchase of all of the grapes from at least 15 acres of a*
17 *vineyard contiguous to the winery; or]*

18 *[(D) Obtains grapes from any combination of subparagraph (A), (B) or (C) of this paragraph; or]*

19 *[(b) At least 50,000 gallons and the winery:]*

20 *[(A) Owns an on-site vineyard of at least 40 acres;]*

21 *[(B) Owns a contiguous vineyard of at least 40 acres;]*

22 *[(C) Has a long-term contract for the purchase of all of the grapes from at least 40 acres of a*
23 *vineyard contiguous to the winery; or]*

24 *[(D) Obtains grapes from any combination of subparagraph (A), (B) or (C) of this paragraph.]*

25 *[(2) A winery described in subsection (1) of this section may:]*

26 *[(a) Market and sell wine produced in conjunction with the winery, including the following activ-*
27 *ities:]*

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

- 1 [(A) *Wine tours*];
- 2 [(B) *Wine tastings in a tasting room or other location at the winery*];
- 3 [(C) *Wine clubs*; and]
- 4 [(D) *Similar activities conducted for the primary purpose of promoting wine produced in conjunc-*
- 5 *tion with the winery; and]*
- 6 [(b) *Market and sell items directly related to the sale or promotion of wine produced in conjunction*
- 7 *with the winery, the marketing and sale of which is incidental to retail sale of wine on-site, including*
- 8 *food and beverages served by a limited service restaurant, as defined in ORS 624.010.*]
- 9 **(a) Less than 50,000 gallons and:**
- 10 **(A) Owns a plantation of at least 15 acres;**
- 11 **(B) Has a long-term contract for the purchase of all of the agricultural produce for**
- 12 **winemaking from at least 15 acres of a plantation; or**
- 13 **(C) Obtains agricultural produce for winemaking from at least 15 acres described in**
- 14 **subparagraphs (A) and (B) of this paragraph, in any combination.**
- 15 **(b) At least 50,000 gallons and:**
- 16 **(A) Owns a plantation of at least 40 acres;**
- 17 **(B) Has a long-term contract for the purchase of all of the agricultural produce for**
- 18 **winemaking from at least 40 acres of a plantation; or**
- 19 **(C) Obtains agricultural produce for winemaking from at least 40 acres described in**
- 20 **subparagraphs (A) and (B) of this paragraph, in any combination.**
- 21 **(2) A winery described in subsection (1) of this section may:**
- 22 **(a) Conduct the activities authorized under the Liquor Control Act for a winery licensee**
- 23 **under ORS 471.223, except that the winery may not obtain a full on-premises sales license**
- 24 **under ORS 471.175 or 471.223; and**
- 25 **(b) Operate a tasting room restaurant for the preparation of food and drink for con-**
- 26 **sumption on the premises by the public.**
- 27 (3) A winery operating under this section shall provide parking for all activities or uses of the
- 28 [*lot, parcel or*] tract on which the winery is established.
- 29 (4) Prior to the issuance of a permit to establish a winery under this section, the applicant shall
- 30 show that [*vineyards*] **the plantations** described in subsection (1) of this section have been planted
- 31 or that the contract has been executed, as applicable.
- 32 (5) A local government shall adopt findings for each of the standards described in this sub-
- 33 section. Standards imposed on the siting of a winery shall be limited solely to each of the following
- 34 for the sole purpose of limiting demonstrated conflicts with accepted farming or forest practices on
- 35 adjacent lands:
- 36 (a) Establishment of a setback of at least 100 feet from all property lines for the winery and all
- 37 public gathering places; and
- 38 (b) Provision of direct road access and internal circulation.
- 39 (6) A local government shall apply:
- 40 (a) Local criteria regarding floodplains, geologic hazards, the Willamette River Greenway, solar
- 41 access and airport safety;
- 42 (b) Regulations for the public health and safety; and
- 43 (c) Regulations for resource protection acknowledged to comply with any statewide goal re-
- 44 specting open spaces, scenic and historic areas and natural resources.
- 45 [(7)(a) *A local government may issue a permit for a winery operating under this section to host*

1 *outdoor concerts for which admission is charged, facility rentals or celebratory events if the local gov-*
 2 *ernment issued permits to wineries operating under this section in similar circumstances before August*
 3 *2, 2011.]*

4 *[(b) A local government may not issue a permit for a winery operating under this section to host*
 5 *outdoor concerts for which admission is charged, facility rentals or celebratory events if the local gov-*
 6 *ernment did not issue permits to wineries operating under this section in similar circumstances before*
 7 *August 2, 2011.]*

8 **(7) As used in this section:**

9 **(a) “Plantation” means an area of land, including a vineyard, that is cultivated in, or used**
 10 **to produce, agricultural produce to be used in winemaking.**

11 **(b) “Tasting room restaurant” has the meaning given that term in ORS 624.010.**

12 **SECTION 2. Section 3 of this 2013 Act is added to and made a part of ORS chapter 215.**

13 **SECTION 3. (1) As used in this section, “event” means an activity on a tract, which may**
 14 **include a concert, festival, race or other gathering, that attracts a large number of attend-**
 15 **ees, who may be participants or spectators, for the purpose of promoting, marketing or**
 16 **selling farm crops or livestock grown on a farm operation on the tract, or grown on the farm**
 17 **operation and other farm operations in the local agricultural area, including the sale at retail**
 18 **of incidental items.**

19 **(2) A farm operation with direct on-site sales, including a farm operation with a winery**
 20 **sited on the same tract under the authority of ORS 215.452 or a farm stand sited on the same**
 21 **tract under the authority of ORS 215.213 (1)(r) or 215.283 (1)(o), may host events intended to**
 22 **draw customers to the farm operation. Additional events are conditionally allowable under**
 23 **ORS 215.213 (2)(z) or 215.283 (2)(bb).**

24 **(3) The governing body of a county or its designee may allow events on a tract:**

25 **(a) In areas zoned for exclusive farm use pursuant to ORS 215.213 (2)(z) or 215.283 (2)(bb).**

26 **(b) In an area planned and zoned for mixed farm and forest use.**

27 **SECTION 4. (1) As used in this section, “event” has the meaning given that term in**
 28 **section 3 of this 2013 Act.**

29 **(2) Notwithstanding the limitations imposed by section 3 of this 2013 Act, a winery law-**
 30 **fully established under ORS 215.452 before the effective date of this 2013 Act may continue**
 31 **to operate and to conduct lawfully approved activities and events.**

32 **(3) Expansion of a lawfully established winery, or the conduct of activities and events**
 33 **that are either new or that were previously conducted under an expired or revoked permit,**
 34 **on or after the effective date of this 2013 Act is subject to the limitations imposed by section**
 35 **3 of this 2013 Act.**

36 **SECTION 5. Notwithstanding the repeal of ORS 215.453 by section 24 of this 2013 Act, a**
 37 **winery established under ORS 215.453 before the effective date of this 2013 Act is deemed to**
 38 **be a winery established under ORS 215.452.**

39 **SECTION 6. ORS 624.010 is amended to read:**

40 **624.010. As used in ORS 624.010 to 624.121, unless the context requires otherwise:**

41 **(1) “Authority” means the Oregon Health Authority.**

42 **(2) “Bed and breakfast facility” means any establishment located in a structure designed for a**
 43 **single family residence and structures appurtenant thereto, regardless of whether the owner or op-**
 44 **erator of the establishment resides in any of the structures, that:**

45 **(a) Has more than two rooms for rent on a daily basis to the public; and**

1 (b) Offers a breakfast meal as part of the cost of the room.

2 (3) "Director" means the Director of the Oregon Health Authority.

3 (4) "Intermittent temporary restaurant" means an establishment:

4 (a) That operates temporarily at a specific location in connection with multiple public gath-
5 erings, entertainment events, food product promotions or other events, at least two of which are
6 arranged for by different oversight organizations; and

7 (b) Where food is prepared or served for consumption by the public.

8 (5) "Limited service restaurant" means a restaurant serving only individually portioned pre-
9 packaged foods prepared from an approved source by a commercial processor and nonperishable
10 beverages.

11 (6) "Operational review" means the examination of a plan of operation for an establishment in
12 order to ensure that the proposed operation conforms with applicable sanitation standards.

13 (7) "Oversight organization" means an entity responsible for organizing, managing or otherwise
14 arranging for a public gathering, entertainment event, food product promotion or other event, in-
15 cluding but not limited to ensuring the availability of water, sewer and sanitation services.

16 (8) "Restaurant," except as provided in subsection (9) of this section, means an establishment:

17 (a) Where food or drink is prepared for consumption by the public;

18 (b) Where the public obtains food or drink so prepared in form or quantity consumable then and
19 there, whether or not it is consumed within the confines of the premises where prepared; or

20 (c) That prepares food or drink in consumable form for service outside the premises where pre-
21 pared.

22 (9) "Restaurant" does not mean a railroad dining car, bed and breakfast facility, **tasting room**
23 **restaurant**, intermittent temporary restaurant, seasonal temporary restaurant or single-event tem-
24 porary restaurant.

25 (10) "Seasonal temporary restaurant" means an establishment:

26 (a) That operates at a specific location in connection with multiple public gatherings, enter-
27 tainment events, food product promotions or other events that are arranged for by the same over-
28 sight organization; and

29 (b) Where food is prepared or served for consumption by the public.

30 (11) "Single-event temporary restaurant" means an establishment:

31 (a) That operates in connection with a single public gathering, entertainment event, food prod-
32 uct promotion or other event; and

33 (b) Where food is prepared or served for consumption by the public.

34 (12) "**Tasting room restaurant**" means an establishment:

35 (a) **Located in a winery established under ORS 215.452 or a farm stand established under**
36 **ORS 215.213 (1)(r) or 215.283 (1)(o); and**

37 (b) **In which food or drink is prepared for consumption on the premises by the public in**
38 **conjunction with the sale or promotion of wine at the winery or farm crops or livestock at**
39 **the farm stand.**

40 **SECTION 7.** ORS 624.020 is amended to read:

41 624.020. (1) A person may not operate a restaurant [or], a bed and breakfast facility **or a tasting**
42 **room restaurant** without a license to do so from the Oregon Health Authority.

43 (2) Application for the license shall be in writing in the form prescribed by the authority and
44 shall contain the name and address of the applicant and any other information that the authority
45 may require. The fee for a license is as provided in ORS 624.490. A license expires annually on

1 December 31 or on such date as may be specified by authority rule.

2 (3) The Director of the Oregon Health Authority may suspend, deny or revoke any license for
 3 violation of any of the applicable provisions of ORS 624.010 to 624.121 or any rule adopted under
 4 ORS 624.010 to 624.121.

5 (4) Procedures for denial, revocation or suspension of a license are as provided in ORS chapter
 6 183.

7 (5) The licensee shall post evidence of the license in public view at the customary entrance of
 8 the restaurant [*or*], **the bed and breakfast facility or the tasting room restaurant**. A person other
 9 than the director may not deface or remove evidence of a license.

10 (6) A license is not transferable. The authority may not issue a refund representing any unused
 11 portion of a license.

12 **SECTION 8.** ORS 624.041 is amended to read:

13 624.041. The Oregon Health Authority shall make all rules necessary for the enforcement of ORS
 14 624.010 to 624.121, including such rules concerning the construction and operation of restaurants,
 15 bed and breakfast facilities, **tasting room restaurants**, intermittent temporary restaurants, sea-
 16 sonal temporary restaurants and single-event temporary restaurants as are reasonably necessary to
 17 protect the public health of persons using these facilities. The rules shall provide for, but need not
 18 be restricted to, the following:

19 (1) A water supply adequate in quantity and safe for human consumption.

20 (2) Disposal of sewage, refuse and other wastes in a manner that will not create a nuisance or
 21 a health hazard.

22 (3) The cleanliness and accessibility of toilets and handwashing facilities.

23 (4) The cleanliness of the premises.

24 (5) The refrigeration of perishable foods.

25 (6) The storage of food for protection against dust, dirt and contamination.

26 (7) Equipment of proper construction and cleanliness of such equipment.

27 (8) The control of insects and rodents.

28 (9) The cleanliness and grooming of food workers.

29 (10) Exclusion of unauthorized persons from food preparation and storage areas.

30 (11) Review of proposed plans for the construction or remodeling of facilities subject to licensing
 31 under this chapter.

32 **SECTION 9.** ORS 624.051 is amended to read:

33 624.051. The Oregon Health Authority shall allow restaurants **or tasting room restaurants**
 34 with an occupancy capacity of no more than 15 persons, including employees and patrons, to have
 35 only one toilet fixture and adjacent lavatory on the premises. This single toilet fixture shall comply
 36 with all authority standards for construction, maintenance, cleanliness, accessibility and others, not
 37 in conflict with the state building code, that the authority might provide.

38 **SECTION 10.** ORS 624.060 is amended to read:

39 624.060. (1) At least once every six months the Director of the Oregon Health Authority shall
 40 inspect every restaurant **and tasting room restaurant** located within the jurisdiction of the di-
 41 rector. At least once a year the director shall inspect every bed and breakfast facility located within
 42 the jurisdiction of the director. The person operating the restaurant [*or*], **the bed and breakfast fa-
 43 cility or the tasting room restaurant** shall, upon the request of the director, permit access to all
 44 parts of the establishment.

45 (2) A copy of each inspection report shall be given to the [*restaurant or bed and breakfast*

1 *facility*] operator or person in charge of the restaurant [*or*], **the** bed and breakfast facility **or the**
 2 **tasting room restaurant**, and another copy shall be filed with the records of the Oregon Health
 3 Authority.

4 (3) During each inspection, the director shall ensure that restaurants or bed and breakfast [*es-*
 5 *tablishments*] **facilities** that hold valid liquor licenses have properly posted the appropriate sign re-
 6 quired by ORS 471.551.

7 (4) After each inspection, notice regarding compliance with ORS 624.010 to 624.121 by the res-
 8 taurant [*or*], **the** bed and breakfast facility **or the tasting room restaurant** shall be posted at the
 9 customary entrance of the restaurant [*or*], bed and breakfast facility **or tasting room restaurant**
 10 in public view and [*shall*] **may** not be removed by any person except the director.

11 (5) If the director discovers the violation of any provision of ORS 624.010 to 624.121, the director
 12 shall make a second inspection after the lapse of such time as the director deems necessary for the
 13 defect to be remedied. When a violation noted on an inspection has been remedied, that violation
 14 [*shall*] **does** not cumulate with violations noted on a second inspection.

15 **SECTION 11.** ORS 624.073 is amended to read:

16 624.073. (1) If the Director of the Oregon Health Authority determines that a critical violation
 17 of ORS 624.010 to 624.121, or any rule promulgated pursuant thereto, exists in a restaurant [*or*], **a**
 18 bed and breakfast facility **or a tasting room restaurant** and the critical violation constitutes a
 19 potential danger to the public health, the director may revoke, suspend or refuse to issue the license
 20 required by ORS 624.020 if, after a reasonable time has been given for correction of the violation,
 21 but not longer than 14 days, the violation continues to exist. The director shall reinstate a license
 22 that has been revoked or suspended if the director determines that the violation has been corrected.

23 (2) Notwithstanding ORS 624.020, if the director determines that a critical violation of ORS
 24 624.010 to 624.121, or any rule promulgated pursuant thereto, exists in a restaurant [*or*], **a** bed and
 25 breakfast facility **or a tasting room restaurant** and the critical violation constitutes an imminent
 26 or present danger to the public health, the director may order immediate correction, use of an ap-
 27 proved alternative procedure or closure of the restaurant [*or*], bed and breakfast facility **or tasting**
 28 **room restaurant** by written notice thereof to the operator. The inspection report carrying a
 29 statement ordering closure and specifying the reasons therefor signed by the director and delivered
 30 to the operator may serve as the written notice of the closure. The director shall use inspection
 31 forms that clearly display notice that procedures are available to the licensee under ORS chapter
 32 183 for appeal of the closure order. A copy of the notice shall be filed with the records of the
 33 Oregon Health Authority. The closure order shall have the effect of an immediate revocation of the
 34 operator's license. If requested, the director shall provide a prompt hearing after the closure in ac-
 35 cordance with ORS chapter 183.

36 (3) If the director determines that closure of the restaurant [*or*], **the** bed and breakfast facility
 37 **or the tasting room restaurant** is necessary because failure to correct a critical violation or im-
 38 plement an approved alternative procedure constitutes a potential danger to the public health, or
 39 failure to correct a critical violation or implement an approved alternative procedure constitutes
 40 an imminent or present danger to the public health, the director shall:

41 (a) Notify the owner or person in charge of the restaurant [*or*], bed and breakfast facility **or**
 42 **tasting room restaurant** that [*such*] **the** restaurant [*or*], bed and breakfast facility **or tasting**
 43 **room restaurant** [*shall*] **may** not be used for food service purposes until the critical violations
 44 specified in the inspection report have been corrected; and

45 (b) Post a notice of closure upon the restaurant [*or*], bed and breakfast facility **or tasting room**

1 **restaurant** at the customary entrance to the restaurant [*or*], bed and breakfast facility **or tasting**
 2 **room restaurant** in public view to the effect that the restaurant [*or*], bed and breakfast facility
 3 **or tasting room restaurant** is closed for operation because a critical violation exists.

4 [(4)(a) *No person shall remove a notice of closure from a restaurant or bed and breakfast facility*
 5 *until the violation which caused the notice to be posted has been corrected.*]

6 [(b) *No person shall operate a restaurant or bed and breakfast facility upon which a notice of*
 7 *closure has been posted until the violation which caused the notice to be posted has been corrected and*
 8 *the notice has been removed.*]

9 **(4) A person may not:**

10 **(a) Remove a notice of closure from a restaurant, a bed and breakfast facility or a tasting**
 11 **room restaurant until the violation for which the notice was posted has been corrected.**

12 **(b) Operate a restaurant, a bed and breakfast facility or a tasting room restaurant upon**
 13 **which a notice of closure has been posted until the violation for which the notice was posted**
 14 **has been corrected and the notice has been removed.**

15 (5) The director shall define clearly the criteria and rules for conformance to acceptable food
 16 service practices used to determine the restaurant [*or*], bed and breakfast facility **or tasting room**
 17 **restaurant** sanitation score to [*insure*] **ensure** statewide uniformity in the inspection and licensing
 18 processes. Critical violations [*which*] **that** constitute a potential danger to the public health and
 19 critical violations [*which*] **that** constitute an imminent or present danger to the public health shall
 20 be clearly defined. Minimum acceptable food service standard procedures shall be clearly defined
 21 by setting a minimum acceptable sanitation score for [*a licensed restaurant or bed and breakfast fa-*
 22 *cility*] **licensed restaurants, bed and breakfast facilities and tasting room restaurants.**

23 (6) If a restaurant [*or*], **a bed and breakfast facility or a tasting room restaurant** obtains a
 24 sanitation score of less than the minimum acceptable standard, the [*restaurant or bed and breakfast*
 25 *facility*] operator or person in charge of the restaurant [*or*], bed and breakfast facility **or tasting**
 26 **room restaurant** shall be notified of impending closure if, after reinspection within 30 days, the
 27 sanitation score does not meet minimum acceptable food service standards. If closure action is taken
 28 after reinspection, the restaurant [*or*], bed and breakfast facility **or tasting room restaurant** may
 29 not be operated until the restaurant [*or*], bed and breakfast facility **or tasting room restaurant**
 30 operator submits a plan for correction of the violations that receives the approval of the director
 31 and a subsequent inspection of the restaurant [*or*], **bed and breakfast facility or tasting room**
 32 **restaurant** produces a sanitation score that meets minimum acceptable food service standards.

33 (7) The authority may establish a more frequent inspection schedule for a restaurant **or a**
 34 **tasting room restaurant** licensed under ORS 624.020 that fails to meet specific minimum standards
 35 established by the authority. The authority may charge a fee for costs associated with the perform-
 36 ance of additional inspections.

37 (8) As used in this section, “imminent” means impending or likely to develop without delay.

38 **SECTION 12.** ORS 624.080 is amended to read:

39 624.080. (1) The Oregon Health Authority may, by rule, define certain communicable diseases
 40 that are capable of being spread to the public by employees of a restaurant, bed and breakfast fa-
 41 cility, **tasting room restaurant**, intermittent temporary restaurant, seasonal temporary restaurant
 42 or single-event temporary restaurant.

43 (2) A person who is affected with a communicable disease described in subsection (1) of this
 44 section or is a carrier of such disease may not work in any restaurant, bed and breakfast facility,
 45 **tasting room restaurant**, intermittent temporary restaurant, seasonal temporary restaurant or

1 single-event temporary restaurant. A restaurant, bed and breakfast facility, **tasting room restau-**
 2 **rant**, intermittent temporary restaurant, seasonal temporary restaurant or single-event temporary
 3 restaurant may not employ a person who is affected with, carries or is suspected of being affected
 4 with or carrying any communicable disease. If the restaurant, bed and breakfast facility, **tasting**
 5 **room restaurant**, intermittent temporary restaurant, seasonal temporary restaurant or single-event
 6 temporary restaurant manager suspects that any employee has contracted any disease in a
 7 communicable form or has become a carrier of such disease, the manager shall notify the Director
 8 of the Oregon Health Authority immediately. A placard containing this subsection shall be posted
 9 in all toilet rooms.

10 (3) When suspicion arises as to the possibility of transmission of infection from any restaurant,
 11 bed and breakfast facility, **tasting room restaurant**, intermittent temporary restaurant, seasonal
 12 temporary restaurant or single-event temporary restaurant employee, the director may require any
 13 or all of the following measures:

14 (a) The immediate exclusion of the employee from all restaurants, bed and breakfast facilities,
 15 **tasting room restaurants**, intermittent temporary restaurants, seasonal temporary restaurants and
 16 single-event temporary restaurants; and

17 (b) Adequate medical examinations of the employee and associates of the employee, with such
 18 laboratory examinations as may be indicated.

19 **SECTION 13.** ORS 624.490 is amended to read:

20 624.490. (1) The Oregon Health Authority may charge the following fees for the issuance or re-
 21 newal of licenses:

22 (a) \$157.50 for a bed and breakfast facility.

23 (b) \$210 for a limited service restaurant.

24 (c) For a restaurant in accordance with seating capacity, as follows:

25 (A) \$367.50 for 0 to 15 seats;

26 (B) \$414.75 for 16 to 50 seats;

27 (C) \$472.50 for 51 to 150 seats; and

28 (D) \$525 for more than 150 seats.

29 (d) For an intermittent temporary restaurant, \$52.50.

30 (e) For a seasonal temporary restaurant, \$52.50.

31 (f) For a single-event temporary restaurant, except as provided in ORS 624.106:

32 (A) \$36.75 for an event lasting one day; and

33 (B) \$52.50 for an event lasting two days or longer.

34 (g) \$262.50 for a commissary.

35 (h) \$105 for each warehouse.

36 (i) \$131.50 for each mobile unit.

37 (j) For vending machines in accordance with the number of machines covered by the license as
 38 follows:

39 (A) \$26.25 for 1 to 10 machines;

40 (B) \$52.50 for 11 to 20 machines;

41 (C) \$78.75 for 21 to 30 machines;

42 (D) \$105 for 31 to 40 machines;

43 (E) \$131.25 for 41 to 50 machines;

44 (F) \$157.50 for 51 to 75 machines;

45 (G) \$210 for 76 to 100 machines;

- 1 (H) \$367.50 for 101 to 250 machines;
- 2 (I) \$577.50 for 251 to 500 machines;
- 3 (J) \$787.50 for 501 to 750 machines;
- 4 (K) \$966 for 751 to 1,000 machines;
- 5 (L) \$1,260 for 1,001 to 1,500 machines; and
- 6 (M) \$1,575 for more than 1,500 machines.

7 **(k) \$_____ for a tasting room restaurant.**

8 (2) Except as provided in this subsection, to reinstate an expired license the operator must pay
 9 a reinstatement fee of \$100 in addition to the license fee required under subsection (1) of this sec-
 10 tion. The reinstatement fee does not apply to the reinstatement of an expired intermittent temporary
 11 restaurant, seasonal temporary restaurant or single-event temporary restaurant license. If the oper-
 12 ator reinstates the license more than 30 days after the expiration date, the reinstatement fee shall
 13 increase by \$100 on the 31st day following the expiration date and on that day of the month in each
 14 succeeding month until the license is reinstated.

15 (3) Notwithstanding subsection (1) of this section, the Oregon Health Authority or a local public
 16 health authority as provided under ORS 624.510 may exempt or reduce the license fee for restau-
 17 rants operated by benevolent organizations that provide food or beverages primarily to children, the
 18 elderly, the indigent or other needy populations if the persons receiving the food or beverages are
 19 not required to pay the full cost of the food or beverages. As used in this subsection, “benevolent
 20 organization” has the meaning given that term in ORS 624.101.

21 **SECTION 14.** ORS 624.630 is amended to read:

22 624.630. A person may not construct or extensively remodel a facility subject to licensure under
 23 this chapter without first submitting construction or remodeling plans to the Oregon Health Au-
 24 thority and paying a fee to the authority for review of the plans. The fee shall be assessed in the
 25 following amounts:

- 26 (1) For initial construction:
 - 27 (a) Of a full service restaurant, \$250.
 - 28 (b) Of a bed and breakfast facility, \$75.
 - 29 (c) Of a commissary, \$125.
 - 30 (d) Of a warehouse, \$50.
 - 31 (e) Of a limited service restaurant, \$75.
 - 32 (f) Of a mobile unit, \$75.
 - 33 **(g) Of a tasting room restaurant, \$_____.**

34 (2) For remodeling:

- 35 (a) Of a full service restaurant, \$100.
- 36 (b) Of any facility other than a full service restaurant, \$50.

37 **SECTION 15.** ORS 616.711 is amended to read:

38 616.711. (1) No license or duplicate of a license, as prescribed in ORS 616.706, is necessary for
 39 food establishments where the principal activity is the receiving, storage, sorting, cleaning and
 40 packing of fresh fruits and vegetables.

41 (2) All provisions of ORS 616.695 to 616.755 other than licensing apply to food establishments
 42 set forth in subsection (1) of this section.

43 (3) The provisions of ORS 616.695 to 616.755 do not apply to:

- 44 (a) Restaurants, bed and breakfast facilities, **tasting room restaurants**, intermittent temporary
 45 restaurants, seasonal temporary restaurants, single-event temporary restaurants, commissaries,

1 vending machines and mobile food and beverage units licensed under ORS 624.010 to 624.121, 624.310
 2 to 624.430 or those that are exempted under ORS 624.330.

3 (b) Food service facilities not preparing food for distribution to the public or to institutional
 4 facilities licensed and regulated by the Department of Human Services or the Oregon Health Au-
 5 thority.

6 (c) Shellfish operations licensed under ORS chapter 622.

7 (d) A person processing, manufacturing or packaging food for family use or consumption.

8 (e) Commercial transit salvage operations not involving sale of food to the general public.

9 **SECTION 16.** ORS 215.213, as amended by section 2, chapter 74, Oregon Laws 2012, is amended
 10 to read:

11 215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991
 12 Edition), the following uses may be established in any area zoned for exclusive farm use:

13 (a) Churches and cemeteries in conjunction with churches.

14 (b) The propagation or harvesting of a forest product.

15 (c) Utility facilities necessary for public service, including wetland waste treatment systems but
 16 not including commercial facilities for the purpose of generating electrical power for public use by
 17 sale or transmission towers over 200 feet in height. A utility facility necessary for public service
 18 may be established as provided in ORS 215.275.

19 (d) A dwelling on real property used for farm use if the dwelling is occupied by a relative of the
 20 farm operator or the farm operator's spouse, which means a child, parent, stepparent, grandchild,
 21 grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, if the farm
 22 operator does or will require the assistance of the relative in the management of the farm use and
 23 the dwelling is located on the same lot or parcel as the dwelling of the farm operator.
 24 Notwithstanding ORS 92.010 to 92.192 or the minimum lot or parcel size requirements under ORS
 25 215.780, if the owner of a dwelling described in this paragraph obtains construction financing or
 26 other financing secured by the dwelling and the secured party forecloses on the dwelling, the se-
 27 cured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure
 28 shall operate as a partition of the homesite to create a new parcel.

29 (e) Nonresidential buildings customarily provided in conjunction with farm use.

30 (f) Subject to ORS 215.279, primary or accessory dwellings customarily provided in conjunction
 31 with farm use. For a primary dwelling, the dwelling must be on a lot or parcel that is managed as
 32 part of a farm operation and is not smaller than the minimum lot size in a farm zone with a minimum
 33 lot size acknowledged under ORS 197.251.

34 (g) Operations for the exploration for and production of geothermal resources as defined by ORS
 35 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of
 36 compressors, separators and other customary production equipment for an individual well adjacent
 37 to the wellhead. Any activities or construction relating to such operations shall not be a basis for
 38 an exception under ORS 197.732 (2)(a) or (b).

39 (h) Operations for the exploration for minerals as defined by ORS 517.750. Any activities or
 40 construction relating to such operations shall not be a basis for an exception under ORS 197.732
 41 (2)(a) or (b).

42 (i) One manufactured dwelling or recreational vehicle, or the temporary residential use of an
 43 existing building, in conjunction with an existing dwelling as a temporary use for the term of a
 44 hardship suffered by the existing resident or a relative of the resident. Within three months of the
 45 end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demol-

1 ished or, in the case of an existing building, the building shall be removed, demolished or returned
 2 to an allowed nonresidential use. The governing body or its designee shall provide for periodic re-
 3 view of the hardship claimed under this paragraph. A temporary residence approved under this
 4 paragraph is not eligible for replacement under paragraph (q) of this subsection.

5 (j) Climbing and passing lanes within the right of way existing as of July 1, 1987.

6 (k) Reconstruction or modification of public roads and highways, including the placement of
 7 utility facilities overhead and in the subsurface of public roads and highways along the public right
 8 of way, but not including the addition of travel lanes, where no removal or displacement of buildings
 9 would occur, or no new land parcels result.

10 (L) Temporary public road and highway detours that will be abandoned and restored to original
 11 condition or use at such time as no longer needed.

12 (m) Minor betterment of existing public road and highway related facilities, such as maintenance
 13 yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous
 14 public-owned property utilized to support the operation and maintenance of public roads and high-
 15 ways.

16 (n) A replacement dwelling to be used in conjunction with farm use if the existing dwelling has
 17 been listed in a county inventory as historic property as defined in ORS 358.480.

18 (o) Creation, restoration or enhancement of wetlands.

19 (p) A winery, as described in ORS 215.452 [or 215.453].

20 (q) Alteration, restoration or replacement of a lawfully established dwelling that:

21 (A) Has intact exterior walls and roof structure;

22 (B) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to
 23 a sanitary waste disposal system;

24 (C) Has interior wiring for interior lights;

25 (D) Has a heating system; and

26 (E) In the case of replacement:

27 (i) Is removed, demolished or converted to an allowable nonresidential use within three months
 28 of the completion of the replacement dwelling. A replacement dwelling may be sited on any part of
 29 the same lot or parcel. A dwelling established under this paragraph shall comply with all applicable
 30 siting standards. However, the standards shall not be applied in a manner that prohibits the siting
 31 of the dwelling. If the dwelling to be replaced is located on a portion of the lot or parcel not zoned
 32 for exclusive farm use, the applicant, as a condition of approval, shall execute and record in the
 33 deed records for the county where the property is located a deed restriction prohibiting the siting
 34 of a dwelling on that portion of the lot or parcel. The restriction imposed shall be irrevocable unless
 35 a statement of release is placed in the deed records for the county. The release shall be signed by
 36 the county or its designee and state that the provisions of this paragraph regarding replacement
 37 dwellings have changed to allow the siting of another dwelling. The county planning director or the
 38 director's designee shall maintain a record of the lots and parcels that do not qualify for the siting
 39 of a new dwelling under the provisions of this paragraph, including a copy of the deed restrictions
 40 and release statements filed under this paragraph; and

41 (ii) For which the applicant has requested a deferred replacement permit, is removed or demol-
 42 ished within three months after the deferred replacement permit is issued. A deferred replacement
 43 permit allows construction of the replacement dwelling at any time. If, however, the established
 44 dwelling is not removed or demolished within three months after the deferred replacement permit
 45 is issued, the permit becomes void. The replacement dwelling must comply with applicable building

1 codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to
2 siting at the time of construction. A deferred replacement permit may not be transferred, by sale
3 or otherwise, except by the applicant to the spouse or a child of the applicant.

4 (r) Farm stands, **subject to section 3 of this 2013 Act**, if:

5 (A) The structures are designed and used for the sale of farm crops or livestock grown on the
6 farm operation, or grown on the farm operation and other farm operations in the local agricultural
7 area, including the sale [of] **at retail of incidental items and fee-based [activity] activities or events**
8 to promote the sale of farm crops or livestock sold at the farm stand [*if the annual sale of incidental*
9 *items and fees from promotional activity do not make up more than 25 percent of the total annual sales*
10 *of the farm stand*]; and

11 (B) The farm stand does not include structures designed for occupancy as a residence or for
12 [*activity] activities or events* other than the sale of farm crops or livestock [*and does not include*
13 *structures for banquets, public gatherings or public entertainment*].

14 (s) An armed forces reserve center, if the center is within one-half mile of a community college.
15 For purposes of this paragraph, “armed forces reserve center” includes an armory or National
16 Guard support facility.

17 (t) A site for the takeoff and landing of model aircraft, including such buildings or facilities as
18 may reasonably be necessary. Buildings or facilities shall not be more than 500 square feet in floor
19 area or placed on a permanent foundation unless the building or facility preexisted the use approved
20 under this paragraph. The site shall not include an aggregate surface or hard surface area unless
21 the surface preexisted the use approved under this paragraph. An owner of property used for the
22 purpose authorized in this paragraph may charge a person operating the use on the property rent
23 for the property. An operator may charge users of the property a fee that does not exceed the
24 operator’s cost to maintain the property, buildings and facilities. As used in this paragraph, “model
25 aircraft” means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is
26 used or intended to be used for flight and is controlled by radio, lines or design by a person on the
27 ground.

28 (u) A facility for the processing of farm crops, or the production of biofuel as defined in ORS
29 315.141, that is located on a farm operation that provides at least one-quarter of the farm crops
30 processed at the facility. The building established for the processing facility shall not exceed 10,000
31 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm
32 use or devote more than 10,000 square feet to the processing activities within another building
33 supporting farm uses. A processing facility shall comply with all applicable siting standards but the
34 standards shall not be applied in a manner that prohibits the siting of the processing facility.

35 (v) Fire service facilities providing rural fire protection services.

36 (w) Irrigation reservoirs, canals, delivery lines and those structures and accessory operational
37 facilities, not including parks or other recreational structures and facilities, associated with a dis-
38 trict as defined in ORS 540.505.

39 (x) Utility facility service lines. Utility facility service lines are utility lines and accessory fa-
40 cilities or structures that end at the point where the utility service is received by the customer and
41 that are located on one or more of the following:

42 (A) A public right of way;

43 (B) Land immediately adjacent to a public right of way, provided the written consent of all ad-
44 jacent property owners has been obtained; or

45 (C) The property to be served by the utility.

1 (y) Subject to the issuance of a license, permit or other approval by the Department of Envi-
 2 ronmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with
 3 rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land application
 4 of reclaimed water, agricultural or industrial process water or biosolids for agricultural,
 5 horticultural or silvicultural production, or for irrigation in connection with a use allowed in an
 6 exclusive farm use zone under this chapter.

7 (z) Dog training classes or testing trials, which may be conducted outdoors or in preexisting
 8 farm buildings, when:

9 (A) The number of dogs participating in training does not exceed 10 dogs per training class and
 10 the number of training classes to be held on-site does not exceed six per day; and

11 (B) The number of dogs participating in a testing trial does not exceed 60 and the number of
 12 testing trials to be conducted on-site is limited to four or fewer trials per calendar year.

13 (2) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),
 14 the following uses may be established in any area zoned for exclusive farm use subject to ORS
 15 215.296:

16 (a) A primary dwelling in conjunction with farm use or the propagation or harvesting of a forest
 17 product on a lot or parcel that is managed as part of a farm operation or woodlot if the farm op-
 18 eration or woodlot:

19 (A) Consists of 20 or more acres; and

20 (B) Is not smaller than the average farm or woodlot in the county producing at least \$2,500 in
 21 annual gross income from the crops, livestock or forest products to be raised on the farm operation
 22 or woodlot.

23 (b) A primary dwelling in conjunction with farm use or the propagation or harvesting of a forest
 24 product on a lot or parcel that is managed as part of a farm operation or woodlot smaller than re-
 25 quired under paragraph (a) of this subsection, if the lot or parcel:

26 (A) Has produced at least \$20,000 in annual gross farm income in two consecutive calendar
 27 years out of the three calendar years before the year in which the application for the dwelling was
 28 made or is planted in perennials capable of producing upon harvest an average of at least \$20,000
 29 in annual gross farm income; or

30 (B) Is a woodlot capable of producing an average over the growth cycle of \$20,000 in gross an-
 31 nual income.

32 (c) Commercial activities that are in conjunction with farm use, including the processing of farm
 33 crops into biofuel not permitted under ORS 215.203 (2)(b)(K) or subsection (1)(u) of this section.

34 (d) Operations conducted for:

35 (A) Mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas
 36 as defined by ORS 520.005, not otherwise permitted under subsection (1)(g) of this section;

37 (B) Mining, crushing or stockpiling of aggregate and other mineral and other subsurface re-
 38 sources subject to ORS 215.298;

39 (C) Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement; and

40 (D) Processing of other mineral resources and other subsurface resources.

41 (e) Community centers owned by a governmental agency or a nonprofit community organization
 42 and operated primarily by and for residents of the local rural community, hunting and fishing pre-
 43 serves, public and private parks, playgrounds and campgrounds. Subject to the approval of the
 44 county governing body or its designee, a private campground may provide yurts for overnight
 45 camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include

1 a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.
2 Upon request of a county governing body, the Land Conservation and Development Commission may
3 provide by rule for an increase in the number of yurts allowed on all or a portion of the
4 campgrounds in a county if the commission determines that the increase will comply with the stan-
5 dards described in ORS 215.296 (1). A public park or campground may be established as provided
6 under ORS 195.120. As used in this paragraph, "yurt" means a round, domed shelter of cloth or
7 canvas on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking appli-
8 ance.

9 (f) Golf courses on land determined not to be high-value farmland as defined in ORS 195.300.

10 (g) Commercial utility facilities for the purpose of generating power for public use by sale.

11 (h) Personal-use airports for airplanes and helicopter pads, including associated hangar, main-
12 tenance and service facilities. A personal-use airport as used in this section means an airstrip re-
13 stricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional
14 basis, by invited guests, and by commercial aviation activities in connection with agricultural op-
15 erations. No aircraft may be based on a personal-use airport other than those owned or controlled
16 by the owner of the airstrip. Exceptions to the activities permitted under this definition may be
17 granted through waiver action by the Oregon Department of Aviation in specific instances. A
18 personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted sub-
19 ject to any applicable rules of the Oregon Department of Aviation.

20 (i) A facility for the primary processing of forest products, provided that such facility is found
21 to not seriously interfere with accepted farming practices and is compatible with farm uses de-
22 scribed in ORS 215.203 (2). Such a facility may be approved for a one-year period which is
23 renewable. These facilities are intended to be only portable or temporary in nature. The primary
24 processing of a forest product, as used in this section, means the use of a portable chipper or stud
25 mill or other similar methods of initial treatment of a forest product in order to enable its shipment
26 to market. Forest products, as used in this section, means timber grown upon a parcel of land or
27 contiguous land where the primary processing facility is located.

28 (j) A site for the disposal of solid waste approved by the governing body of a city or county or
29 both and for which a permit has been granted under ORS 459.245 by the Department of Environ-
30 mental Quality together with equipment, facilities or buildings necessary for its operation.

31 (k)(A) Commercial dog boarding kennels; or

32 (B) Dog training classes or testing trials that cannot be established under subsection (1)(z) of
33 this section.

34 (L) Residential homes as defined in ORS 197.660, in existing dwellings.

35 (m) The propagation, cultivation, maintenance and harvesting of aquatic species that are not
36 under the jurisdiction of the State Fish and Wildlife Commission or insect species. Insect species
37 shall not include any species under quarantine by the State Department of Agriculture or the United
38 States Department of Agriculture. The county shall provide notice of all applications under this
39 paragraph to the State Department of Agriculture. Notice shall be provided in accordance with the
40 county's land use regulations but shall be mailed at least 20 calendar days prior to any administra-
41 tive decision or initial public hearing on the application.

42 (n) Home occupations as provided in ORS 215.448.

43 (o) Transmission towers over 200 feet in height.

44 (p) Construction of additional passing and travel lanes requiring the acquisition of right of way
45 but not resulting in the creation of new land parcels.

1 (q) Reconstruction or modification of public roads and highways involving the removal or dis-
2 placement of buildings but not resulting in the creation of new land parcels.

3 (r) Improvement of public road and highway related facilities such as maintenance yards, weigh
4 stations and rest areas, where additional property or right of way is required but not resulting in
5 the creation of new land parcels.

6 (s) A destination resort that is approved consistent with the requirements of any statewide
7 planning goal relating to the siting of a destination resort.

8 (t) Room and board arrangements for a maximum of five unrelated persons in existing resi-
9 dences.

10 (u) A living history museum related to resource based activities owned and operated by a gov-
11 ernmental agency or a local historical society, together with limited commercial activities and fa-
12 cilities that are directly related to the use and enjoyment of the museum and located within
13 authentic buildings of the depicted historic period or the museum administration building, if areas
14 other than an exclusive farm use zone cannot accommodate the museum and related activities or if
15 the museum administration buildings and parking lot are located within one quarter mile of the
16 metropolitan urban growth boundary. As used in this paragraph:

17 (A) "Living history museum" means a facility designed to depict and interpret everyday life and
18 culture of some specific historic period using authentic buildings, tools, equipment and people to
19 simulate past activities and events; and

20 (B) "Local historical society" means the local historical society, recognized as such by the
21 county governing body and organized under ORS chapter 65.

22 (v) Operations for the extraction and bottling of water.

23 (w) An aerial fireworks display business that has been in continuous operation at its current
24 location within an exclusive farm use zone since December 31, 1986, and possesses a wholesaler's
25 permit to sell or provide fireworks.

26 (x) A landscape contracting business, as defined in ORS 671.520, or a business providing land-
27 scape architecture services, as described in ORS 671.318, if the business is pursued in conjunction
28 with the growing and marketing of nursery stock on the land that constitutes farm use.

29 (y) Public or private schools for kindergarten through grade 12, including all buildings essential
30 to the operation of a school, primarily for residents of the rural area in which the school is located.

31 **(z) Events hosted on the site of a farm operation with direct on-site sales, including a**
32 **farm operation with a winery or farm stand, subject to sections 3 and 4 of this 2013 Act.**

33 (3) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),
34 a single-family residential dwelling not provided in conjunction with farm use may be established
35 on a lot or parcel with soils predominantly in capability classes IV through VIII as determined by
36 the Agricultural Capability Classification System in use by the United States Department of Agri-
37 culture Soil Conservation Service on October 15, 1983. A proposed dwelling is subject to approval
38 of the governing body or its designee in any area zoned for exclusive farm use upon written findings
39 showing all of the following:

40 (a) The dwelling or activities associated with the dwelling will not force a significant change in
41 or significantly increase the cost of accepted farming practices on nearby lands devoted to farm use.

42 (b) The dwelling is situated upon generally unsuitable land for the production of farm crops and
43 livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, location
44 and size of the tract. A lot or parcel shall not be considered unsuitable solely because of its size
45 or location if it can reasonably be put to farm use in conjunction with other land.

1 (c) Complies with such other conditions as the governing body or its designee considers neces-
2 sary.

3 (4) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),
4 one single-family dwelling, not provided in conjunction with farm use, may be established in any
5 area zoned for exclusive farm use on a lot or parcel described in subsection (7) of this section that
6 is not larger than three acres upon written findings showing:

7 (a) The dwelling or activities associated with the dwelling will not force a significant change in
8 or significantly increase the cost of accepted farming practices on nearby lands devoted to farm use;

9 (b) If the lot or parcel is located within the Willamette River Greenway, a floodplain or a
10 geological hazard area, the dwelling complies with conditions imposed by local ordinances relating
11 specifically to the Willamette River Greenway, floodplains or geological hazard areas, whichever is
12 applicable; and

13 (c) The dwelling complies with other conditions considered necessary by the governing body or
14 its designee.

15 (5) Upon receipt of an application for a permit under subsection (4) of this section, the governing
16 body shall notify:

17 (a) Owners of land that is within 250 feet of the lot or parcel on which the dwelling will be es-
18 tablished; and

19 (b) Persons who have requested notice of such applications and who have paid a reasonable fee
20 imposed by the county to cover the cost of such notice.

21 (6) The notice required in subsection (5) of this section shall specify that persons have 15 days
22 following the date of postmark of the notice to file a written objection on the grounds only that the
23 dwelling or activities associated with it would force a significant change in or significantly increase
24 the cost of accepted farming practices on nearby lands devoted to farm use. If no objection is re-
25 ceived, the governing body or its designee shall approve or disapprove the application. If an ob-
26 jection is received, the governing body shall set the matter for hearing in the manner prescribed in
27 ORS 215.402 to 215.438. The governing body may charge the reasonable costs of the notice required
28 by subsection (5)(a) of this section to the applicant for the permit requested under subsection (4) of
29 this section.

30 (7) Subsection (4) of this section applies to a lot or parcel lawfully created between January 1,
31 1948, and July 1, 1983. For the purposes of this section:

32 (a) Only one lot or parcel exists if:

33 (A) A lot or parcel described in this section is contiguous to one or more lots or parcels de-
34 scribed in this section; and

35 (B) On July 1, 1983, greater than possessory interests are held in those contiguous lots, parcels
36 or lots and parcels by the same person, spouses or a single partnership or business entity, separately
37 or in tenancy in common.

38 (b) "Contiguous" means lots, parcels or lots and parcels that have a common boundary, including
39 but not limited to, lots, parcels or lots and parcels separated only by a public road.

40 (8) A person who sells or otherwise transfers real property in an exclusive farm use zone may
41 retain a life estate in a dwelling on that property and in a tract of land under and around the
42 dwelling.

43 (9) No final approval of a nonfarm use under this section shall be given unless any additional
44 taxes imposed upon the change in use have been paid.

45 (10) Roads, highways and other transportation facilities and improvements not allowed under

1 subsections (1) and (2) of this section may be established, subject to the approval of the governing
2 body or its designee, in areas zoned for exclusive farm use subject to:

3 (a) Adoption of an exception to the goal related to agricultural lands and to any other applicable
4 goal with which the facility or improvement does not comply; or

5 (b) ORS 215.296 for those uses identified by rule of the Land Conservation and Development
6 Commission as provided in section 3, chapter 529, Oregon Laws 1993.

7 *[(11) The following agri-tourism and other commercial events or activities that are related to and
8 supportive of agriculture may be established in any area zoned for exclusive farm use:]*

9 *[(a) A county may authorize a single agri-tourism or other commercial event or activity on a tract
10 in a calendar year by an authorization that is personal to the applicant and is not transferred by, or
11 transferable with, a conveyance of the tract, if the agri-tourism or other commercial event or activity
12 meets any local standards that apply and:]*

13 *[(A) The agri-tourism or other commercial event or activity is incidental and subordinate to existing
14 farm use on the tract;]*

15 *[(B) The duration of the agri-tourism or other commercial event or activity does not exceed 72
16 consecutive hours;]*

17 *[(C) The maximum attendance at the agri-tourism or other commercial event or activity does not
18 exceed 500 people;]*

19 *[(D) The maximum number of motor vehicles parked at the site of the agri-tourism or other com-
20 mercial event or activity does not exceed 250 vehicles;]*

21 *[(E) The agri-tourism or other commercial event or activity complies with ORS 215.296;]*

22 *[(F) The agri-tourism or other commercial event or activity occurs outdoors, in temporary struc-
23 tures, or in existing permitted structures, subject to health and fire and life safety requirements; and]*

24 *[(G) The agri-tourism or other commercial event or activity complies with conditions established
25 for:]*

26 *[(i) Planned hours of operation;]*

27 *[(ii) Access, egress and parking;]*

28 *[(iii) A traffic management plan that identifies the projected number of vehicles and any anticipated
29 use of public roads; and]*

30 *[(iv) Sanitation and solid waste.]*

31 *[(b) In the alternative to paragraphs (a) and (c) of this subsection, a county may authorize, through
32 an expedited, single-event license, a single agri-tourism or other commercial event or activity on a tract
33 in a calendar year by an expedited, single-event license that is personal to the applicant and is not
34 transferred by, or transferable with, a conveyance of the tract. A decision concerning an expedited,
35 single-event license is not a land use decision, as defined in ORS 197.015. To approve an expedited,
36 single-event license, the governing body of a county or its designee must determine that the proposed
37 agri-tourism or other commercial event or activity meets any local standards that apply, and the agri-
38 tourism or other commercial event or activity:]*

39 *[(A) Must be incidental and subordinate to existing farm use on the tract;]*

40 *[(B) May not begin before 6 a.m. or end after 10 p.m.;*

41 *[(C) May not involve more than 100 attendees or 50 vehicles;]*

42 *[(D) May not include the artificial amplification of music or voices before 8 a.m. or after 8 p.m.;*

43 *[(E) May not require or involve the construction or use of a new permanent structure in connection
44 with the agri-tourism or other commercial event or activity;]*

45 *[(F) Must be located on a tract of at least 10 acres unless the owners or residents of adjoining*

1 *properties consent, in writing, to the location; and]*
2 *[(G) Must comply with applicable health and fire and life safety requirements.]*
3 *[(c) In the alternative to paragraphs (a) and (b) of this subsection, a county may authorize up to*
4 *six agri-tourism or other commercial events or activities on a tract in a calendar year by a limited use*
5 *permit that is personal to the applicant and is not transferred by, or transferable with, a conveyance*
6 *of the tract. The agri-tourism or other commercial events or activities must meet any local standards*
7 *that apply, and the agri-tourism or other commercial events or activities:]*
8 *[(A) Must be incidental and subordinate to existing farm use on the tract;]*
9 *[(B) May not, individually, exceed a duration of 72 consecutive hours;]*
10 *[(C) May not require that a new permanent structure be built, used or occupied in connection with*
11 *the agri-tourism or other commercial events or activities;]*
12 *[(D) Must comply with ORS 215.296;]*
13 *[(E) May not, in combination with other agri-tourism or other commercial events or activities au-*
14 *thorized in the area, materially alter the stability of the land use pattern in the area; and]*
15 *[(F) Must comply with conditions established for:]*
16 *[(i) The types of agri-tourism or other commercial events or activities that are authorized during*
17 *each calendar year, including the number and duration of the agri-tourism or other commercial events*
18 *and activities, the anticipated daily attendance and the hours of operation;]*
19 *[(ii) The location of existing structures and the location of proposed temporary structures to be used*
20 *in connection with the agri-tourism or other commercial events or activities;]*
21 *[(iii) The location of access and egress and parking facilities to be used in connection with the*
22 *agri-tourism or other commercial events or activities;]*
23 *[(iv) Traffic management, including the projected number of vehicles and any anticipated use of*
24 *public roads; and]*
25 *[(v) Sanitation and solid waste.]*
26 *[(d) In addition to paragraphs (a) to (c) of this subsection, a county may authorize agri-tourism or*
27 *other commercial events or activities that occur more frequently or for a longer period or that do not*
28 *otherwise comply with paragraphs (a) to (c) of this subsection if the agri-tourism or other commercial*
29 *events or activities comply with any local standards that apply and the agri-tourism or other commer-*
30 *cial events or activities:]*
31 *[(A) Are incidental and subordinate to existing commercial farm use of the tract and are necessary*
32 *to support the commercial farm uses or the commercial agricultural enterprises in the area;]*
33 *[(B) Comply with the requirements of paragraph (c)(C), (D), (E) and (F) of this subsection;]*
34 *[(C) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size;*
35 *and]*
36 *[(D) Do not exceed 18 events or activities in a calendar year.]*
37 *[(12) A holder of a permit authorized by a county under subsection (11)(d) of this section must re-*
38 *quest review of the permit at four-year intervals. Upon receipt of a request for review, the county*
39 *shall:]*
40 *[(a) Provide public notice and an opportunity for public comment as part of the review process;*
41 *and]*
42 *[(b) Limit its review to events and activities authorized by the permit, conformance with conditions*
43 *of approval required by the permit and the standards established by subsection (11)(d) of this section.]*
44 *[(13) For the purposes of subsection (11) of this section:]*
45 *[(a) A county may authorize the use of temporary structures established in connection with the*

1 *agri-tourism or other commercial events or activities authorized under subsection (11) of this section.*
 2 *However, the temporary structures must be removed at the end of the agri-tourism or other event or*
 3 *activity. The county may not approve an alteration to the land in connection with an agri-tourism or*
 4 *other commercial event or activity authorized under subsection (11) of this section, including, but not*
 5 *limited to, grading, filling or paving.]*

6 *[(b) The county may issue the limited use permits authorized by subsection (11)(c) of this section*
 7 *for two calendar years. When considering an application for renewal, the county shall ensure compli-*
 8 *ance with the provisions of subsection (11)(c) of this section, any local standards that apply and condi-*
 9 *tions that apply to the permit or to the agri-tourism or other commercial events or activities*
 10 *authorized by the permit.]*

11 *[(c) The authorizations provided by subsection (11) of this section are in addition to other author-*
 12 *izations that may be provided by law, except that “outdoor mass gathering” and “other gathering,” as*
 13 *those terms are used in ORS 197.015 (10)(d), do not include agri-tourism or other commercial events*
 14 *and activities.]*

15 **SECTION 17.** ORS 215.283, as amended by section 3, chapter 74, Oregon Laws 2012, is amended
 16 to read:

17 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

18 (a) Churches and cemeteries in conjunction with churches.

19 (b) The propagation or harvesting of a forest product.

20 (c) Utility facilities necessary for public service, including wetland waste treatment systems but
 21 not including commercial facilities for the purpose of generating electrical power for public use by
 22 sale or transmission towers over 200 feet in height. A utility facility necessary for public service
 23 may be established as provided in ORS 215.275.

24 (d) A dwelling on real property used for farm use if the dwelling is occupied by a relative of the
 25 farm operator or the farm operator’s spouse, which means a child, parent, stepparent, grandchild,
 26 grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, if the farm
 27 operator does or will require the assistance of the relative in the management of the farm use and
 28 the dwelling is located on the same lot or parcel as the dwelling of the farm operator.
 29 Notwithstanding ORS 92.010 to 92.192 or the minimum lot or parcel size requirements under ORS
 30 215.780, if the owner of a dwelling described in this paragraph obtains construction financing or
 31 other financing secured by the dwelling and the secured party forecloses on the dwelling, the se-
 32 cured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure
 33 shall operate as a partition of the homesite to create a new parcel.

34 (e) Subject to ORS 215.279, primary or accessory dwellings and other buildings customarily
 35 provided in conjunction with farm use.

36 (f) Operations for the exploration for and production of geothermal resources as defined by ORS
 37 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of
 38 compressors, separators and other customary production equipment for an individual well adjacent
 39 to the wellhead. Any activities or construction relating to such operations shall not be a basis for
 40 an exception under ORS 197.732 (2)(a) or (b).

41 (g) Operations for the exploration for minerals as defined by ORS 517.750. Any activities or
 42 construction relating to such operations shall not be a basis for an exception under ORS 197.732
 43 (2)(a) or (b).

44 (h) Climbing and passing lanes within the right of way existing as of July 1, 1987.

45 (i) Reconstruction or modification of public roads and highways, including the placement of

1 utility facilities overhead and in the subsurface of public roads and highways along the public right
2 of way, but not including the addition of travel lanes, where no removal or displacement of buildings
3 would occur, or no new land parcels result.

4 (j) Temporary public road and highway detours that will be abandoned and restored to original
5 condition or use at such time as no longer needed.

6 (k) Minor betterment of existing public road and highway related facilities such as maintenance
7 yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous
8 public-owned property utilized to support the operation and maintenance of public roads and high-
9 ways.

10 (L) A replacement dwelling to be used in conjunction with farm use if the existing dwelling has
11 been listed in a county inventory as historic property as defined in ORS 358.480.

12 (m) Creation, restoration or enhancement of wetlands.

13 (n) A winery, as described in ORS 215.452 [or 215.453].

14 (o) Farm stands, **subject to section 3 of this 2013 Act**, if:

15 (A) The structures are designed and used for the sale of farm crops or livestock grown on the
16 farm operation, or grown on the farm operation and other farm operations in the local agricultural
17 area, including the sale [of] **at retail of** incidental items and fee-based [activity] **activities or events**
18 to promote the sale of farm crops or livestock sold at the farm stand [if the annual sale of incidental
19 items and fees from promotional activity do not make up more than 25 percent of the total annual sales
20 of the farm stand]; and

21 (B) The farm stand does not include structures designed for occupancy as a residence or for
22 [activity] **activities or events** other than the sale of farm crops or livestock [and does not include
23 structures for banquets, public gatherings or public entertainment].

24 (p) Alteration, restoration or replacement of a lawfully established dwelling that:

25 (A) Has intact exterior walls and roof structure;

26 (B) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to
27 a sanitary waste disposal system;

28 (C) Has interior wiring for interior lights;

29 (D) Has a heating system; and

30 (E) In the case of replacement:

31 (i) Is removed, demolished or converted to an allowable nonresidential use within three months
32 of the completion of the replacement dwelling. A replacement dwelling may be sited on any part of
33 the same lot or parcel. A dwelling established under this paragraph shall comply with all applicable
34 siting standards. However, the standards shall not be applied in a manner that prohibits the siting
35 of the dwelling. If the dwelling to be replaced is located on a portion of the lot or parcel not zoned
36 for exclusive farm use, the applicant, as a condition of approval, shall execute and record in the
37 deed records for the county where the property is located a deed restriction prohibiting the siting
38 of a dwelling on that portion of the lot or parcel. The restriction imposed shall be irrevocable unless
39 a statement of release is placed in the deed records for the county. The release shall be signed by
40 the county or its designee and state that the provisions of this paragraph regarding replacement
41 dwellings have changed to allow the siting of another dwelling. The county planning director or the
42 director's designee shall maintain a record of the lots and parcels that do not qualify for the siting
43 of a new dwelling under the provisions of this paragraph, including a copy of the deed restrictions
44 and release statements filed under this paragraph; and

45 (ii) For which the applicant has requested a deferred replacement permit, is removed or demol-

1 ished within three months after the deferred replacement permit is issued. A deferred replacement
 2 permit allows construction of the replacement dwelling at any time. If, however, the established
 3 dwelling is not removed or demolished within three months after the deferred replacement permit
 4 is issued, the permit becomes void. The replacement dwelling must comply with applicable building
 5 codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to
 6 siting at the time of construction. A deferred replacement permit may not be transferred, by sale
 7 or otherwise, except by the applicant to the spouse or a child of the applicant.

8 (q) A site for the takeoff and landing of model aircraft, including such buildings or facilities as
 9 may reasonably be necessary. Buildings or facilities shall not be more than 500 square feet in floor
 10 area or placed on a permanent foundation unless the building or facility preexisted the use approved
 11 under this paragraph. The site shall not include an aggregate surface or hard surface area unless
 12 the surface preexisted the use approved under this paragraph. An owner of property used for the
 13 purpose authorized in this paragraph may charge a person operating the use on the property rent
 14 for the property. An operator may charge users of the property a fee that does not exceed the
 15 operator's cost to maintain the property, buildings and facilities. As used in this paragraph, "model
 16 aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is
 17 used or intended to be used for flight and is controlled by radio, lines or design by a person on the
 18 ground.

19 (r) A facility for the processing of farm crops, or the production of biofuel as defined in ORS
 20 315.141, that is located on a farm operation that provides at least one-quarter of the farm crops
 21 processed at the facility. The building established for the processing facility shall not exceed 10,000
 22 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm
 23 use or devote more than 10,000 square feet to the processing activities within another building
 24 supporting farm uses. A processing facility shall comply with all applicable siting standards but the
 25 standards shall not be applied in a manner that prohibits the siting of the processing facility.

26 (s) Fire service facilities providing rural fire protection services.

27 (t) Irrigation reservoirs, canals, delivery lines and those structures and accessory operational
 28 facilities, not including parks or other recreational structures and facilities, associated with a dis-
 29 trict as defined in ORS 540.505.

30 (u) Utility facility service lines. Utility facility service lines are utility lines and accessory fa-
 31 cilities or structures that end at the point where the utility service is received by the customer and
 32 that are located on one or more of the following:

33 (A) A public right of way;

34 (B) Land immediately adjacent to a public right of way, provided the written consent of all ad-
 35 jacent property owners has been obtained; or

36 (C) The property to be served by the utility.

37 (v) Subject to the issuance of a license, permit or other approval by the Department of Envi-
 38 ronmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with
 39 rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land application
 40 of reclaimed water, agricultural or industrial process water or biosolids for agricultural,
 41 horticultural or silvicultural production, or for irrigation in connection with a use allowed in an
 42 exclusive farm use zone under this chapter.

43 (w) A county law enforcement facility that lawfully existed on August 20, 2002, and is used to
 44 provide rural law enforcement services primarily in rural areas, including parole and post-prison
 45 supervision, but not including a correctional facility as defined under ORS 162.135.

1 (x) Dog training classes or testing trials, which may be conducted outdoors or in preexisting
2 farm buildings, when:

3 (A) The number of dogs participating in training does not exceed 10 dogs per training class and
4 the number of training classes to be held on-site does not exceed six per day; and

5 (B) The number of dogs participating in a testing trial does not exceed 60 and the number of
6 testing trials to be conducted on-site is limited to four or fewer trials per calendar year.

7 (2) The following nonfarm uses may be established, subject to the approval of the governing body
8 or its designee in any area zoned for exclusive farm use subject to ORS 215.296:

9 (a) Commercial activities that are in conjunction with farm use, including the processing of farm
10 crops into biofuel not permitted under ORS 215.203 (2)(b)(K) or subsection (1)(r) of this section.

11 (b) Operations conducted for:

12 (A) Mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas
13 as defined by ORS 520.005 not otherwise permitted under subsection (1)(f) of this section;

14 (B) Mining, crushing or stockpiling of aggregate and other mineral and other subsurface re-
15 sources subject to ORS 215.298;

16 (C) Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement; and

17 (D) Processing of other mineral resources and other subsurface resources.

18 (c) Private parks, playgrounds, hunting and fishing preserves and campgrounds. Subject to the
19 approval of the county governing body or its designee, a private campground may provide yurts for
20 overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller,
21 may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent
22 foundation. Upon request of a county governing body, the Land Conservation and Development
23 Commission may provide by rule for an increase in the number of yurts allowed on all or a portion
24 of the campgrounds in a county if the commission determines that the increase will comply with the
25 standards described in ORS 215.296 (1). As used in this paragraph, "yurt" means a round, domed
26 shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hookup or
27 internal cooking appliance.

28 (d) Parks and playgrounds. A public park may be established consistent with the provisions of
29 ORS 195.120.

30 (e) Community centers owned by a governmental agency or a nonprofit community organization
31 and operated primarily by and for residents of the local rural community. A community center au-
32 thorized under this paragraph may provide services to veterans, including but not limited to emer-
33 gency and transitional shelter, preparation and service of meals, vocational and educational
34 counseling and referral to local, state or federal agencies providing medical, mental health, disability
35 income replacement and substance abuse services, only in a facility that is in existence on January
36 1, 2006. The services may not include direct delivery of medical, mental health, disability income
37 replacement or substance abuse services.

38 (f) Golf courses on land determined not to be high-value farmland, as defined in ORS 195.300.

39 (g) Commercial utility facilities for the purpose of generating power for public use by sale.

40 (h) Personal-use airports for airplanes and helicopter pads, including associated hangar, main-
41 tenance and service facilities. A personal-use airport, as used in this section, means an airstrip re-
42 stricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional
43 basis, by invited guests, and by commercial aviation activities in connection with agricultural op-
44 erations. No aircraft may be based on a personal-use airport other than those owned or controlled
45 by the owner of the airstrip. Exceptions to the activities permitted under this definition may be

1 granted through waiver action by the Oregon Department of Aviation in specific instances. A
2 personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted sub-
3 ject to any applicable rules of the Oregon Department of Aviation.

4 (i) Home occupations as provided in ORS 215.448.

5 (j) A facility for the primary processing of forest products, provided that such facility is found
6 to not seriously interfere with accepted farming practices and is compatible with farm uses de-
7 scribed in ORS 215.203 (2). Such a facility may be approved for a one-year period which is
8 renewable. These facilities are intended to be only portable or temporary in nature. The primary
9 processing of a forest product, as used in this section, means the use of a portable chipper or stud
10 mill or other similar methods of initial treatment of a forest product in order to enable its shipment
11 to market. Forest products, as used in this section, means timber grown upon a parcel of land or
12 contiguous land where the primary processing facility is located.

13 (k) A site for the disposal of solid waste approved by the governing body of a city or county or
14 both and for which a permit has been granted under ORS 459.245 by the Department of Environ-
15 mental Quality together with equipment, facilities or buildings necessary for its operation.

16 (L) One manufactured dwelling or recreational vehicle, or the temporary residential use of an
17 existing building, in conjunction with an existing dwelling as a temporary use for the term of a
18 hardship suffered by the existing resident or a relative of the resident. Within three months of the
19 end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demol-
20 ished or, in the case of an existing building, the building shall be removed, demolished or returned
21 to an allowed nonresidential use. The governing body or its designee shall provide for periodic re-
22 view of the hardship claimed under this paragraph. A temporary residence approved under this
23 paragraph is not eligible for replacement under subsection (1)(p) of this section.

24 (m) Transmission towers over 200 feet in height.

25 (n)(A) Commercial dog boarding kennels; or

26 (B) Dog training classes or testing trials that cannot be established under subsection (1)(x) of
27 this section.

28 (o) Residential homes as defined in ORS 197.660, in existing dwellings.

29 (p) The propagation, cultivation, maintenance and harvesting of aquatic species that are not
30 under the jurisdiction of the State Fish and Wildlife Commission or insect species. Insect species
31 shall not include any species under quarantine by the State Department of Agriculture or the United
32 States Department of Agriculture. The county shall provide notice of all applications under this
33 paragraph to the State Department of Agriculture. Notice shall be provided in accordance with the
34 county's land use regulations but shall be mailed at least 20 calendar days prior to any administra-
35 tive decision or initial public hearing on the application.

36 (q) Construction of additional passing and travel lanes requiring the acquisition of right of way
37 but not resulting in the creation of new land parcels.

38 (r) Reconstruction or modification of public roads and highways involving the removal or dis-
39 placement of buildings but not resulting in the creation of new land parcels.

40 (s) Improvement of public road and highway related facilities, such as maintenance yards, weigh
41 stations and rest areas, where additional property or right of way is required but not resulting in
42 the creation of new land parcels.

43 (t) A destination resort that is approved consistent with the requirements of any statewide
44 planning goal relating to the siting of a destination resort.

45 (u) Room and board arrangements for a maximum of five unrelated persons in existing resi-

1 dences.

2 (v) Operations for the extraction and bottling of water.

3 (w) Expansion of existing county fairgrounds and activities directly relating to county
4 fairgrounds governed by county fair boards established pursuant to ORS 565.210.

5 (x) A living history museum related to resource based activities owned and operated by a gov-
6 ernmental agency or a local historical society, together with limited commercial activities and fa-
7 cilities that are directly related to the use and enjoyment of the museum and located within
8 authentic buildings of the depicted historic period or the museum administration building, if areas
9 other than an exclusive farm use zone cannot accommodate the museum and related activities or if
10 the museum administration buildings and parking lot are located within one quarter mile of an ur-
11 ban growth boundary. As used in this paragraph:

12 (A) "Living history museum" means a facility designed to depict and interpret everyday life and
13 culture of some specific historic period using authentic buildings, tools, equipment and people to
14 simulate past activities and events; and

15 (B) "Local historical society" means the local historical society recognized by the county gov-
16 erning body and organized under ORS chapter 65.

17 (y) An aerial fireworks display business that has been in continuous operation at its current
18 location within an exclusive farm use zone since December 31, 1986, and possesses a wholesaler's
19 permit to sell or provide fireworks.

20 (z) A landscape contracting business, as defined in ORS 671.520, or a business providing land-
21 scape architecture services, as described in ORS 671.318, if the business is pursued in conjunction
22 with the growing and marketing of nursery stock on the land that constitutes farm use.

23 (aa) Public or private schools for kindergarten through grade 12, including all buildings essential
24 to the operation of a school, primarily for residents of the rural area in which the school is located.

25 **(bb) Events hosted on the site of a farm operation with direct on-site sales, including a**
26 **farm operation with a winery or farm stand, subject to sections 3 and 4 of this 2013 Act.**

27 (3) Roads, highways and other transportation facilities and improvements not allowed under
28 subsections (1) and (2) of this section may be established, subject to the approval of the governing
29 body or its designee, in areas zoned for exclusive farm use subject to:

30 (a) Adoption of an exception to the goal related to agricultural lands and to any other applicable
31 goal with which the facility or improvement does not comply; or

32 (b) ORS 215.296 for those uses identified by rule of the Land Conservation and Development
33 Commission as provided in section 3, chapter 529, Oregon Laws 1993.

34 *[(4) The following agri-tourism and other commercial events or activities that are related to and*
35 *supportive of agriculture may be established in any area zoned for exclusive farm use:]*

36 *[(a) A county may authorize a single agri-tourism or other commercial event or activity on a tract*
37 *in a calendar year by an authorization that is personal to the applicant and is not transferred by, or*
38 *transferable with, a conveyance of the tract, if the agri-tourism or other commercial event or activity*
39 *meets any local standards that apply and:]*

40 *[(A) The agri-tourism or other commercial event or activity is incidental and subordinate to existing*
41 *farm use on the tract;]*

42 *[(B) The duration of the agri-tourism or other commercial event or activity does not exceed 72*
43 *consecutive hours;]*

44 *[(C) The maximum attendance at the agri-tourism or other commercial event or activity does not*
45 *exceed 500 people;]*

1 *[(D) The maximum number of motor vehicles parked at the site of the agri-tourism or other com-*
2 *mercial event or activity does not exceed 250 vehicles;]*

3 *[(E) The agri-tourism or other commercial event or activity complies with ORS 215.296;]*

4 *[(F) The agri-tourism or other commercial event or activity occurs outdoors, in temporary struc-*
5 *tures, or in existing permitted structures, subject to health and fire and life safety requirements; and]*

6 *[(G) The agri-tourism or other commercial event or activity complies with conditions established*
7 *for:]*

8 *[(i) Planned hours of operation;]*

9 *[(ii) Access, egress and parking;]*

10 *[(iii) A traffic management plan that identifies the projected number of vehicles and any anticipated*
11 *use of public roads; and]*

12 *[(iv) Sanitation and solid waste.]*

13 *[(b) In the alternative to paragraphs (a) and (c) of this subsection, a county may authorize, through*
14 *an expedited, single-event license, a single agri-tourism or other commercial event or activity on a tract*
15 *in a calendar year by an expedited, single-event license that is personal to the applicant and is not*
16 *transferred by, or transferable with, a conveyance of the tract. A decision concerning an expedited,*
17 *single-event license is not a land use decision, as defined in ORS 197.015. To approve an expedited,*
18 *single-event license, the governing body of a county or its designee must determine that the proposed*
19 *agri-tourism or other commercial event or activity meets any local standards that apply, and the agri-*
20 *tourism or other commercial event or activity:]*

21 *[(A) Must be incidental and subordinate to existing farm use on the tract;]*

22 *[(B) May not begin before 6 a.m. or end after 10 p.m.;*

23 *[(C) May not involve more than 100 attendees or 50 vehicles;]*

24 *[(D) May not include the artificial amplification of music or voices before 8 a.m. or after 8 p.m.;*

25 *[(E) May not require or involve the construction or use of a new permanent structure in connection*
26 *with the agri-tourism or other commercial event or activity;]*

27 *[(F) Must be located on a tract of at least 10 acres unless the owners or residents of adjoining*
28 *properties consent, in writing, to the location; and]*

29 *[(G) Must comply with applicable health and fire and life safety requirements.]*

30 *[(c) In the alternative to paragraphs (a) and (b) of this subsection, a county may authorize up to*
31 *six agri-tourism or other commercial events or activities on a tract in a calendar year by a limited use*
32 *permit that is personal to the applicant and is not transferred by, or transferable with, a conveyance*
33 *of the tract. The agri-tourism or other commercial events or activities must meet any local standards*
34 *that apply, and the agri-tourism or other commercial events or activities:]*

35 *[(A) Must be incidental and subordinate to existing farm use on the tract;]*

36 *[(B) May not, individually, exceed a duration of 72 consecutive hours;]*

37 *[(C) May not require that a new permanent structure be built, used or occupied in connection with*
38 *the agri-tourism or other commercial events or activities;]*

39 *[(D) Must comply with ORS 215.296;]*

40 *[(E) May not, in combination with other agri-tourism or other commercial events or activities au-*
41 *thorized in the area, materially alter the stability of the land use pattern in the area; and]*

42 *[(F) Must comply with conditions established for:]*

43 *[(i) The types of agri-tourism or other commercial events or activities that are authorized during*
44 *each calendar year, including the number and duration of the agri-tourism or other commercial events*
45 *and activities, the anticipated daily attendance and the hours of operation;]*

1 *[(ii) The location of existing structures and the location of proposed temporary structures to be used*
 2 *in connection with the agri-tourism or other commercial events or activities;]*

3 *[(iii) The location of access and egress and parking facilities to be used in connection with the*
 4 *agri-tourism or other commercial events or activities;]*

5 *[(iv) Traffic management, including the projected number of vehicles and any anticipated use of*
 6 *public roads; and]*

7 *[(v) Sanitation and solid waste.]*

8 *[(d) In addition to paragraphs (a) to (c) of this subsection, a county may authorize agri-tourism or*
 9 *other commercial events or activities that occur more frequently or for a longer period or that do not*
 10 *otherwise comply with paragraphs (a) to (c) of this subsection if the agri-tourism or other commercial*
 11 *events or activities comply with any local standards that apply and the agri-tourism or other commer-*
 12 *cial events or activities:]*

13 *[(A) Are incidental and subordinate to existing commercial farm use of the tract and are necessary*
 14 *to support the commercial farm uses or the commercial agricultural enterprises in the area;]*

15 *[(B) Comply with the requirements of paragraph (c)(C), (D), (E) and (F) of this subsection;]*

16 *[(C) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size;*
 17 *and]*

18 *[(D) Do not exceed 18 events or activities in a calendar year.]*

19 *[(5) A holder of a permit authorized by a county under subsection (4)(d) of this section must request*
 20 *review of the permit at four-year intervals. Upon receipt of a request for review, the county shall:]*

21 *[(a) Provide public notice and an opportunity for public comment as part of the review process;*
 22 *and]*

23 *[(b) Limit its review to events and activities authorized by the permit, conformance with conditions*
 24 *of approval required by the permit and the standards established by subsection (4)(d) of this section.]*

25 *[(6) For the purposes of subsection (4) of this section:]*

26 *[(a) A county may authorize the use of temporary structures established in connection with the*
 27 *agri-tourism or other commercial events or activities authorized under subsection (4) of this section.*
 28 *However, the temporary structures must be removed at the end of the agri-tourism or other event or*
 29 *activity. The county may not approve an alteration to the land in connection with an agri-tourism or*
 30 *other commercial event or activity authorized under subsection (4) of this section, including, but not*
 31 *limited to, grading, filling or paving.]*

32 *[(b) The county may issue the limited use permits authorized by subsection (4)(c) of this section for*
 33 *two calendar years. When considering an application for renewal, the county shall ensure compliance*
 34 *with the provisions of subsection (4)(c) of this section, any local standards that apply and conditions*
 35 *that apply to the permit or to the agri-tourism or other commercial events or activities authorized by*
 36 *the permit.]*

37 *[(c) The authorizations provided by subsection (4) of this section are in addition to other authori-*
 38 *zations that may be provided by law, except that “outdoor mass gathering” and “other gathering,” as*
 39 *those terms are used in ORS 197.015 (10)(d), do not include agri-tourism or other commercial events*
 40 *and activities.]*

41 **SECTION 18.** ORS 197.015 is amended to read:

42 197.015. As used in ORS chapters 195, 196 and 197, unless the context requires otherwise:

43 (1) “Acknowledgment” means a commission order that certifies that a comprehensive plan and
 44 land use regulations, land use regulation or plan or regulation amendment complies with the goals
 45 or certifies that Metro land use planning goals and objectives, Metro regional framework plan,

1 amendments to Metro planning goals and objectives or amendments to the Metro regional frame-
 2 work plan comply with the goals.

3 (2) "Board" means the Land Use Board of Appeals.

4 (3) "Carport" means a stationary structure consisting of a roof with its supports and not more
 5 than one wall, or storage cabinet substituting for a wall, and used for sheltering a motor vehicle.

6 (4) "Commission" means the Land Conservation and Development Commission.

7 (5) "Comprehensive plan" means a generalized, coordinated land use map and policy statement
 8 of the governing body of a local government that interrelates all functional and natural systems and
 9 activities relating to the use of lands, including but not limited to sewer and water systems, trans-
 10 portation systems, educational facilities, recreational facilities, and natural resources and air and
 11 water quality management programs. "Comprehensive" means all-inclusive, both in terms of the
 12 geographic area covered and functional and natural activities and systems occurring in the area
 13 covered by the plan. "General nature" means a summary of policies and proposals in broad cate-
 14 gories and does not necessarily indicate specific locations of any area, activity or use. A plan is "co-
 15 ordinated" when the needs of all levels of governments, semipublic and private agencies and the
 16 citizens of Oregon have been considered and accommodated as much as possible. "Land" includes
 17 water, both surface and subsurface, and the air.

18 (6) "Department" means the Department of Land Conservation and Development.

19 (7) "Director" means the Director of the Department of Land Conservation and Development.

20 (8) "Goals" means the mandatory statewide land use planning standards adopted by the com-
 21 mission pursuant to ORS chapters 195, 196 and 197.

22 (9) "Guidelines" means suggested approaches designed to aid cities and counties in preparation,
 23 adoption and implementation of comprehensive plans in compliance with goals and to aid state
 24 agencies and special districts in the preparation, adoption and implementation of plans, programs
 25 and regulations in compliance with goals. Guidelines shall be advisory and shall not limit state
 26 agencies, cities, counties and special districts to a single approach.

27 (10) "Land use decision":

28 (a) Includes:

29 (A) A final decision or determination made by a local government or special district that con-
 30 cerns the adoption, amendment or application of:

31 (i) The goals;

32 (ii) A comprehensive plan provision;

33 (iii) A land use regulation; or

34 (iv) A new land use regulation;

35 (B) A final decision or determination of a state agency other than the commission with respect
 36 to which the agency is required to apply the goals; or

37 (C) A decision of a county planning commission made under ORS 433.763;

38 (b) Does not include a decision of a local government:

39 (A) That is made under land use standards that do not require interpretation or the exercise
 40 of policy or legal judgment;

41 (B) That approves or denies a building permit issued under clear and objective land use stan-
 42 dards;

43 (C) That is a limited land use decision;

44 (D) That determines final engineering design, construction, operation, maintenance, repair or
 45 preservation of a transportation facility that is otherwise authorized by and consistent with the

1 comprehensive plan and land use regulations;

2 (E) That is an expedited land division as described in ORS 197.360;

3 (F) That approves, pursuant to ORS 480.450 (7), the siting, installation, maintenance or removal
4 of a liquefied petroleum gas container or receptacle regulated exclusively by the State Fire Marshal
5 under ORS 480.410 to 480.460;

6 (G) That approves or denies approval of a final subdivision or partition plat or that determines
7 whether a final subdivision or partition plat substantially conforms to the tentative subdivision or
8 partition plan; or

9 (H) That a proposed state agency action subject to ORS 197.180 (1) is compatible with the ac-
10 knowledged comprehensive plan and land use regulations implementing the plan, if:

11 (i) The local government has already made a land use decision authorizing a use or activity that
12 encompasses the proposed state agency action;

13 (ii) The use or activity that would be authorized, funded or undertaken by the proposed state
14 agency action is allowed without review under the acknowledged comprehensive plan and land use
15 regulations implementing the plan; or

16 (iii) The use or activity that would be authorized, funded or undertaken by the proposed state
17 agency action requires a future land use review under the acknowledged comprehensive plan and
18 land use regulations implementing the plan;

19 (c) Does not include a decision by a school district to close a school;

20 (d) Does not include[, *except as provided in ORS 215.213 (13)(c) or 215.283 (6)(c),*] authorization
21 of an outdoor mass gathering as defined in ORS 433.735, or other gathering of fewer than 3,000
22 persons that is not anticipated to continue for more than 120 hours in any three-month period; and

23 (e) Does not include:

24 (A) A writ of mandamus issued by a circuit court in accordance with ORS 215.429 or 227.179;

25 (B) Any local decision or action taken on an application subject to ORS 215.427 or 227.178 after
26 a petition for a writ of mandamus has been filed under ORS 215.429 or 227.179; or

27 (C) A state agency action subject to ORS 197.180 (1), if:

28 (i) The local government with land use jurisdiction over a use or activity that would be au-
29 thorized, funded or undertaken by the state agency as a result of the state agency action has already
30 made a land use decision approving the use or activity; or

31 (ii) A use or activity that would be authorized, funded or undertaken by the state agency as a
32 result of the state agency action is allowed without review under the acknowledged comprehensive
33 plan and land use regulations implementing the plan.

34 (11) "Land use regulation" means any local government zoning ordinance, land division ordi-
35 nance adopted under ORS 92.044 or 92.046 or similar general ordinance establishing standards for
36 implementing a comprehensive plan.

37 (12) "Limited land use decision":

38 (a) Means a final decision or determination made by a local government pertaining to a site
39 within an urban growth boundary that concerns:

40 (A) The approval or denial of a tentative subdivision or partition plan, as described in ORS
41 92.040 (1).

42 (B) The approval or denial of an application based on discretionary standards designed to reg-
43 ulate the physical characteristics of a use permitted outright, including but not limited to site re-
44 view and design review.

45 (b) Does not mean a final decision made by a local government pertaining to a site within an

1 urban growth boundary that concerns approval or denial of a final subdivision or partition plat or
 2 that determines whether a final subdivision or partition plat substantially conforms to the tentative
 3 subdivision or partition plan.

4 (13) "Local government" means any city, county or metropolitan service district formed under
 5 ORS chapter 268 or an association of local governments performing land use planning functions
 6 under ORS 195.025.

7 (14) "Metro" means a metropolitan service district organized under ORS chapter 268.

8 (15) "Metro planning goals and objectives" means the land use goals and objectives that a met-
 9 ropolitan service district may adopt under ORS 268.380 (1)(a). The goals and objectives do not con-
 10 stitute a comprehensive plan.

11 (16) "Metro regional framework plan" means the regional framework plan required by the 1992
 12 Metro Charter or its separate components. Neither the regional framework plan nor its individual
 13 components constitute a comprehensive plan.

14 (17) "New land use regulation" means a land use regulation other than an amendment to an
 15 acknowledged land use regulation adopted by a local government that already has a comprehensive
 16 plan and land regulations acknowledged under ORS 197.251.

17 (18) "Person" means any individual, partnership, corporation, association, governmental subdi-
 18 vision or agency or public or private organization of any kind. The Land Conservation and Devel-
 19 opment Commission or its designee is considered a person for purposes of appeal under ORS
 20 chapters 195 and 197.

21 (19) "Special district" means any unit of local government, other than a city, county, metropol-
 22 itan service district formed under ORS chapter 268 or an association of local governments per-
 23 forming land use planning functions under ORS 195.025, authorized and regulated by statute and
 24 includes but is not limited to water control districts, domestic water associations and water coop-
 25 eratives, irrigation districts, port districts, regional air quality control authorities, fire districts,
 26 school districts, hospital districts, mass transit districts and sanitary districts.

27 (20) "Urban unincorporated community" means an area designated in a county's acknowledged
 28 comprehensive plan as an urban unincorporated community after December 5, 1994.

29 (21) "Voluntary association of local governments" means a regional planning agency in this
 30 state officially designated by the Governor pursuant to the federal Office of Management and Budget
 31 Circular A-95 as a regional clearinghouse.

32 (22) "Wetlands" means those areas that are inundated or saturated by surface or ground water
 33 at a frequency and duration that are sufficient to support, and that under normal circumstances do
 34 support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

35 **SECTION 19.** ORS 215.246 is amended to read:

36 215.246. (1) The uses allowed under ORS 215.213 (1)(y) and 215.283 (1)(v):

37 (a) Require a determination by the Department of Environmental Quality, in conjunction with
 38 the department's review of a license, permit or approval, that the application rates and site man-
 39 agement practices for the land application of reclaimed water, agricultural or industrial process
 40 water or biosolids ensure continued agricultural, horticultural or silvicultural production and do not
 41 reduce the productivity of the tract.

42 (b) Are not subject to other provisions of ORS 215.213 or 215.283 or to the provisions of ORS
 43 215.275 or 215.296.

44 (2) The use of a tract of land on which the land application of reclaimed water, agricultural or
 45 industrial process water or biosolids has occurred under this section may not be changed to allow

1 a different use unless:

- 2 (a) The tract is included within an acknowledged urban growth boundary;
- 3 (b) The tract is rezoned to a zone other than an exclusive farm use zone;
- 4 (c) The different use of the tract is a farm use as defined in ORS 215.203; or
- 5 (d) The different use of the tract is a use allowed under:
 - 6 (A) ORS 215.213 (1)(b), (d) to (f), (i) to (n), (p) to (r), (u), (w) or (x);
 - 7 (B) ORS 215.213 (2)(a) to (c), (i), (m), [*or*] (p) to (r) **or** (z);
 - 8 [*C*] ORS 215.213 (11);]
 - 9 [*D*] (C) ORS 215.283 (1)(b), (d), (e), (h) to (L), (n) to (p), (r), (t) or (u); **or**
 - 10 [*E*] (D) ORS 215.283 (2)(a), (j), (L), [*or*] (p) to (s)[; *or*] **or** (bb).
 - 11 [*F*] ORS 215.283 (4).]

12 (3) When a state agency or a local government makes a land use decision relating to the land
 13 application of reclaimed water, agricultural or industrial process water or biosolids under a license,
 14 permit or approval by the Department of Environmental Quality, the applicant shall explain in
 15 writing how alternatives identified in public comments on the land use decision were considered and,
 16 if the alternatives are not used, explain in writing the reasons for not using the alternatives. The
 17 applicant must consider only those alternatives that are identified with sufficient specificity to af-
 18 ford the applicant an adequate opportunity to consider the alternatives. A land use decision relating
 19 to the land application of reclaimed water, agricultural or industrial process water or biosolids may
 20 not be reversed or remanded under this subsection unless the applicant failed to consider identified
 21 alternatives or to explain in writing the reasons for not using the alternatives.

22 (4) The uses allowed under this section include:

23 (a) The treatment of reclaimed water, agricultural or industrial process water or biosolids that
 24 occurs as a result of the land application;

25 (b) The establishment and use of facilities, including buildings, equipment, aerated and
 26 nonaerated water impoundments, pumps and other irrigation equipment, that are accessory to and
 27 reasonably necessary for the land application to occur on the subject tract;

28 (c) The establishment and use of facilities, including buildings and equipment, that are not on
 29 the tract on which the land application occurs for the transport of reclaimed water, agricultural or
 30 industrial process water or biosolids to the tract on which the land application occurs if the facili-
 31 ties are located within:

32 (A) A public right of way; or

33 (B) Other land if the landowner provides written consent and the owner of the facility complies
 34 with ORS 215.275 (4); and

35 (d) The transport by vehicle of reclaimed water or agricultural or industrial process water to
 36 a tract on which the water will be applied to land.

37 (5) Uses not allowed under this section include:

38 (a) The establishment and use of facilities, including buildings or equipment, for the treatment
 39 of reclaimed water, agricultural or industrial process water or biosolids other than those treatment
 40 facilities related to the treatment that occurs as a result of the land application; or

41 (b) The establishment and use of utility facility service lines allowed under ORS 215.213 (1)(x)
 42 or 215.283 (1)(u).

43 **SECTION 20.** ORS 215.296 is amended to read:

44 215.296. (1) A use allowed under ORS 215.213 (2) [*or* (11)] or 215.283 (2) [*or* (4)] may be approved
 45 only where the local governing body or its designee finds that the use will not:

1 (a) Force a significant change in accepted farm or forest practices on surrounding lands devoted
2 to farm or forest use; or

3 (b) Significantly increase the cost of accepted farm or forest practices on surrounding lands
4 devoted to farm or forest use.

5 (2) An applicant for a use allowed under ORS 215.213 (2) [*or (11)*] or 215.283 (2) [*or (4)*] may
6 demonstrate that the standards for approval set forth in subsection (1) of this section will be satis-
7 fied through the imposition of conditions. Any conditions so imposed shall be clear and objective.

8 (3) A person engaged in farm or forest practices on lands devoted to farm or forest use may file
9 a complaint with the local governing body or its designee alleging:

10 (a) That a condition imposed pursuant to subsection (2) of this section has been violated;

11 (b) That the violation has:

12 (A) Forced a significant change in accepted farm or forest practices on surrounding lands de-
13 voted to farm or forest use; or

14 (B) Significantly increased the cost of accepted farm or forest practices on surrounding lands
15 devoted to farm or forest use; and

16 (c) That the complainant is adversely affected by the violation.

17 (4) Upon receipt of a complaint filed under this section or ORS 215.218, the local governing body
18 or its designee shall:

19 (a) Forward the complaint to the operator of the use;

20 (b) Review the complaint in the manner set forth in ORS 215.402 to 215.438; and

21 (c) Determine whether the allegations made in a complaint filed under this section or ORS
22 215.218 are true.

23 (5) Upon a determination that the allegations made in a complaint are true, the local governing
24 body or its designee at a minimum shall notify the violator that a violation has occurred, direct the
25 violator to correct the conditions that led to the violation within a specified time period and warn
26 the violator against the commission of further violations.

27 (6) If the conditions that led to a violation are not corrected within the time period specified
28 pursuant to subsection (5) of this section, or if there is a determination pursuant to subsection (4)
29 of this section following the receipt of a second complaint that a further violation has occurred, the
30 local governing body or its designee at a minimum shall assess a fine against the violator.

31 (7) If the conditions that led to a violation are not corrected within 30 days after the imposition
32 of a fine pursuant to subsection (6) of this section, or if there is a determination pursuant to sub-
33 section (4) of this section following the receipt of a third or subsequent complaint that a further
34 violation has occurred, the local governing body or its designee shall at a minimum order the sus-
35 pension of the use until the violator corrects the conditions that led to the violation.

36 (8) If a use allowed under ORS 215.213 (2) [*or (11)*] or 215.283 (2) [*or (4)*] is initiated without prior
37 approval pursuant to subsection (1) of this section, the local governing body or its designee at a
38 minimum shall notify the user that prior approval is required, direct the user to apply for approval
39 within 21 days and warn the user against the commission of further violations. If the user does not
40 apply for approval within 21 days, the local governing body or its designee shall order the suspen-
41 sion of the use until the user applies for and receives approval. If there is a determination pursuant
42 to subsection (4) of this section following the receipt of a complaint that a further violation occurred
43 after approval was granted, the violation shall be deemed a second violation and the local governing
44 body or its designee at a minimum shall assess a fine against the violator.

45 (9)(a) The standards set forth in subsection (1) of this section do not apply to farm or forest uses

1 conducted within:

2 (A) Lots or parcels with a single-family residential dwelling approved under ORS 215.213 (3),
 3 215.284 (1), (2), (3), (4) or (7) or 215.705;

4 (B) An exception area approved under ORS 197.732; or

5 (C) An acknowledged urban growth boundary.

6 (b) A person residing in a single-family residential dwelling which was approved under ORS
 7 215.213 (3), 215.284 (1), (2), (3), (4) or (7) or 215.705, which is within an exception area approved un-
 8 der ORS 197.732 or which is within an acknowledged urban growth boundary may not file a com-
 9 plaint under subsection (3) of this section.

10 (10) This section does not prevent a local governing body approving a use allowed under ORS
 11 215.213 (2) [*or (11)*] or 215.283 (2) [*or (4)*] from establishing standards in addition to those set forth
 12 in subsection (1) of this section or from imposing conditions to ensure conformance with the addi-
 13 tional standards.

14 **SECTION 21.** ORS 215.455 is amended to read:

15 215.455. Any winery approved under ORS 215.213, 215.283, 215.284[,] **and** 215.452 [*and 215.453*]
 16 is not a basis for an exception under ORS 197.732 (2)(a) or (b).

17 **SECTION 22.** ORS 308A.053 is amended to read:

18 308A.053. As used in ORS 308A.050 to 308A.128:

19 (1) “Exclusive farm use zone” means a zoning district established by a county or a city under
 20 the authority granted by ORS chapter 215 or 227 that is consistent with the farm use zone pro-
 21 visions set forth in ORS 215.203 to 215.311, 215.438, 215.448, 215.452, [*215.453,*] 215.455 or 215.700 to
 22 215.780.

23 (2) “Exclusive farm use zone farmland” means land that qualifies for special assessment under
 24 ORS 308A.062.

25 (3) “Homesite” means the land, including all tangible improvements to the land under and ad-
 26 jacent to a dwelling and other structures, if any, that are customarily provided in conjunction with
 27 a dwelling.

28 (4) “Nonexclusive farm use zone farmland” means land that is not within an exclusive farm use
 29 zone but that qualifies for farm use special assessment under ORS 308A.068.

30 (5) “Remediation plan” means a plan certified by an extension agent of the Oregon State Uni-
 31 versity Extension Service to remediate or mitigate severe adverse conditions on farmland.

32 (6) “Severe adverse conditions on farmland” means conditions that render impracticable contin-
 33 ued farm use and that are not due to an intentional or negligent act or omission by the owner,
 34 tenant or lessee of the farmland or the applicant for certification of a remediation plan.

35 **SECTION 23.** Section 6, chapter 567, Oregon Laws 2011, is amended to read:

36 **Sec. 6.** (1)(a) A use or structure in an area zoned for exclusive farm use that exists on [*the ef-*
 37 *fective date of this 2011 Act*] **June 28, 2011**, may be lawfully continued, altered, restored or replaced
 38 pursuant to ORS 215.130 if the use or structure is located on the same tract, as defined in ORS
 39 215.010, as a winery established under ORS 215.213 (1)(p) or 215.283 (1)(n) that produced more than
 40 250,000 gallons of wine in calendar year 2010.

41 (b) This subsection does not affect the lawful continuation, alteration, restoration or expansion
 42 of the winery sited on the same tract.

43 (2) A winery established under ORS 215.213 (1)(p) or 215.283 (1)(n) that produced more than
 44 150,000 gallons and not more than 250,000 gallons of wine in calendar year 2010 does not require a
 45 permit under ORS 215.213 (2)(c) or 215.283 (2)(a). However, the winery must comply with all pro-

1 visions of ORS 215.452 [*except the annual production requirements*].

2 **SECTION 24. ORS 215.237, 215.238, 215.239 and 215.453 and section 11, chapter 679, Oregon**
3 **Laws 2011, are repealed.**

4 **SECTION 25. This 2013 Act being necessary for the immediate preservation of the public**
5 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
6 **on its passage.**

7
