

## HOUSE AMENDMENTS TO HOUSE BILL 3040

By COMMITTEE ON LAND USE

April 29

1 On page 1 of the printed bill, line 2, after “use;” insert “creating new provisions;” and after  
2 “ORS” delete the rest of the line.

3 In line 3, after “215.213” delete the rest of the line and line 4 and insert “and 215.283; and de-  
4 claring an emergency.”.

5 Delete lines 6 through 31 and delete pages 2 through 34 and insert:

6 “**SECTION 1.** ORS 215.213, as amended by section 2, chapter 74, Oregon Laws 2012, is amended  
7 to read:

8 “215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991  
9 Edition), the following uses may be established in any area zoned for exclusive farm use:

10 “(a) Churches and cemeteries in conjunction with churches.

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

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

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

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

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

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

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

4       “(i) One manufactured dwelling or recreational vehicle, or the temporary residential use of an  
5 existing building, in conjunction with an existing dwelling as a temporary use for the term of a  
6 hardship suffered by the existing resident or a relative of the resident. Within three months of the  
7 end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demol-  
8 ished or, in the case of an existing building, the building shall be removed, demolished or returned  
9 to an allowed nonresidential use. The governing body or its designee shall provide for periodic re-  
10 view of the hardship claimed under this paragraph. A temporary residence approved under this  
11 paragraph is not eligible for replacement under paragraph (q) of this subsection.

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

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

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

19       “(m) Minor betterment of existing public road and highway related facilities, such as mainte-  
20 nance yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and  
21 contiguous public-owned property utilized to support the operation and maintenance of public roads  
22 and highways.

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

25       “(o) Creation, restoration or enhancement of wetlands.

26       “(p) A winery, as described in ORS 215.452 or 215.453.

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

28       “(A) Has intact exterior walls and roof structure;

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

31       “(C) Has interior wiring for interior lights;

32       “(D) Has a heating system; and

33       “(E) In the case of replacement:

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

1 of a new dwelling under the provisions of this paragraph, including a copy of the deed restrictions  
2 and release statements filed under this paragraph; and

3 “(ii) For which the applicant has requested a deferred replacement permit, is removed or de-  
4 molished within three months after the deferred replacement permit is issued. A deferred replace-  
5 ment permit allows construction of the replacement dwelling at any time. If, however, the  
6 established dwelling is not removed or demolished within three months after the deferred replace-  
7 ment permit is issued, the permit becomes void. The replacement dwelling must comply with appli-  
8 cable building codes, plumbing codes, sanitation codes and other requirements relating to health and  
9 safety or to siting at the time of construction. A deferred replacement permit may not be trans-  
10 ferred, by sale or otherwise, except by the applicant to the spouse or a child of the applicant.

11 “(r) Farm stands if:

12 “(A) The structures are designed and used for the sale of farm crops or livestock grown on the  
13 farm operation, or grown on the farm operation and other farm operations in the local agricultural  
14 area, including the sale of retail incidental items and fee-based activity to promote the sale of farm  
15 crops or livestock sold at the farm stand if the annual sale of incidental items and fees from pro-  
16 motional activity do not make up more than 25 percent of the total annual sales of the farm stand;  
17 and

18 “(B) The farm stand does not include structures designed for occupancy as a residence or for  
19 activity other than the sale of farm crops or livestock and does not include structures for banquets,  
20 public gatherings or public entertainment.

21 “(s) An armed forces reserve center, if the center is within one-half mile of a community college.  
22 For purposes of this paragraph, ‘armed forces reserve center’ includes an armory or National Guard  
23 support facility.

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

35 “(u) A facility for the processing of farm crops, or the production of biofuel as defined in ORS  
36 315.141, that is located on a farm operation that provides at least one-quarter of the farm crops  
37 processed at the facility. The building established for the processing facility shall not exceed 10,000  
38 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm  
39 use or devote more than 10,000 square feet to the processing activities within another building  
40 supporting farm uses. A processing facility shall comply with all applicable siting standards but the  
41 standards shall not be applied in a manner that prohibits the siting of the processing facility.

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

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

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

4 “(A) A public right of way;

5 “(B) Land immediately adjacent to a public right of way, provided the written consent of all  
6 adjacent property owners has been obtained; or

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

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

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

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

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

20 “(2) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),  
21 the following uses may be established in any area zoned for exclusive farm use subject to ORS  
22 215.296:

23 “(a) A primary dwelling in conjunction with farm use or the propagation or harvesting of a  
24 forest product on a lot or parcel that is managed as part of a farm operation or woodlot if the farm  
25 operation or woodlot:

26 “(A) Consists of 20 or more acres; and

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

30 “(b) A primary dwelling in conjunction with farm use or the propagation or harvesting of a  
31 forest product on a lot or parcel that is managed as part of a farm operation or woodlot smaller than  
32 required under paragraph (a) of this subsection, if the lot or parcel:

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

37 “(B) Is a woodlot capable of producing an average over the growth cycle of \$20,000 in gross  
38 annual income.

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

41 “(d) Operations conducted for:

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

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

1 “(C) Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement; and  
2 “(D) Processing of other mineral resources and other subsurface resources.  
3 “(e) Community centers owned by a governmental agency or a nonprofit community organization  
4 and operated primarily by and for residents of the local rural community, hunting and fishing pre-  
5 serves, public and private parks, playgrounds and campgrounds. Subject to the approval of the  
6 county governing body or its designee, a private campground may provide yurts for overnight  
7 camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include  
8 a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.  
9 Upon request of a county governing body, the Land Conservation and Development Commission may  
10 provide by rule for an increase in the number of yurts allowed on all or a portion of the  
11 campgrounds in a county if the commission determines that the increase will comply with the stan-  
12 dards described in ORS 215.296 (1). A public park or campground may be established as provided  
13 under ORS 195.120. As used in this paragraph, ‘yurt’ means a round, domed shelter of cloth or can-  
14 vas on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking appliance.  
15 “(f) Golf courses on land determined not to be high-value farmland as defined in ORS 195.300.  
16 “(g) Commercial utility facilities for the purpose of generating power for public use by sale.  
17 “(h) Personal-use airports for airplanes and helicopter pads, including associated hangar, main-  
18 tenance and service facilities. A personal-use airport as used in this section means an airstrip re-  
19 stricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional  
20 basis, by invited guests, and by commercial aviation activities in connection with agricultural op-  
21 erations. No aircraft may be based on a personal-use airport other than those owned or controlled  
22 by the owner of the airstrip. Exceptions to the activities permitted under this definition may be  
23 granted through waiver action by the Oregon Department of Aviation in specific instances. A  
24 personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted sub-  
25 ject to any applicable rules of the Oregon Department of Aviation.  
26 “(i) A facility for the primary processing of forest products, provided that such facility is found  
27 to not seriously interfere with accepted farming practices and is compatible with farm uses de-  
28 scribed in ORS 215.203 (2). Such a facility may be approved for a one-year period which is  
29 renewable. These facilities are intended to be only portable or temporary in nature. The primary  
30 processing of a forest product, as used in this section, means the use of a portable chipper or stud  
31 mill or other similar methods of initial treatment of a forest product in order to enable its shipment  
32 to market. Forest products, as used in this section, means timber grown upon a parcel of land or  
33 contiguous land where the primary processing facility is located.  
34 “(j) A site, **except a landfill**, for the disposal of solid waste approved by the governing body of  
35 a city or county or both and for which a permit has been granted under ORS 459.245 by the De-  
36 partment of Environmental Quality together with equipment, facilities or buildings necessary for its  
37 operation.  
38 “(k)(A) Commercial dog boarding kennels; or  
39 “(B) Dog training classes or testing trials that cannot be established under subsection (1)(z) of  
40 this section.  
41 “(L) Residential homes as defined in ORS 197.660, in existing dwellings.  
42 “(m) The propagation, cultivation, maintenance and harvesting of aquatic species that are not  
43 under the jurisdiction of the State Fish and Wildlife Commission or insect species. Insect species  
44 shall not include any species under quarantine by the State Department of Agriculture or the United  
45 States Department of Agriculture. The county shall provide notice of all applications under this

1 paragraph to the State Department of Agriculture. Notice shall be provided in accordance with the  
2 county's land use regulations but shall be mailed at least 20 calendar days prior to any administra-  
3 tive decision or initial public hearing on the application.

4 “(n) Home occupations as provided in ORS 215.448.

5 “(o) Transmission towers over 200 feet in height.

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

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

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

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

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

17 “(u) A living history museum related to resource based activities owned and operated by a  
18 governmental agency or a local historical society, together with limited commercial activities and  
19 facilities that are directly related to the use and enjoyment of the museum and located within au-  
20 thentic buildings of the depicted historic period or the museum administration building, if areas  
21 other than an exclusive farm use zone cannot accommodate the museum and related activities or if  
22 the museum administration buildings and parking lot are located within one quarter mile of the  
23 metropolitan urban growth boundary. As used in this paragraph:

24 “(A) ‘Living history museum’ means a facility designed to depict and interpret everyday life and  
25 culture of some specific historic period using authentic buildings, tools, equipment and people to  
26 simulate past activities and events; and

27 “(B) ‘Local historical society’ means the local historical society, recognized as such by the  
28 county governing body and organized under ORS chapter 65.

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

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

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

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

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

45 “(a) The dwelling or activities associated with the dwelling will not force a significant change

1 in or significantly increase the cost of accepted farming practices on nearby lands devoted to farm  
2 use.

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

7 “(c) Complies with such other conditions as the governing body or its designee considers nec-  
8 essary.

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

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

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

20 “(c) The dwelling complies with other conditions considered necessary by the governing body  
21 or its designee.

22 “(5) Upon receipt of an application for a permit under subsection (4) of this section, the gov-  
23 erning body shall notify:

24 “(a) Owners of land that is within 250 feet of the lot or parcel on which the dwelling will be  
25 established; and

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

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

37 “(7) Subsection (4) of this section applies to a lot or parcel lawfully created between January  
38 1, 1948, and July 1, 1983. For the purposes of this section:

39 “(a) Only one lot or parcel exists if:

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

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

45 “(b) ‘Contiguous’ means lots, parcels or lots and parcels that have a common boundary, including

1 but not limited to, lots, parcels or lots and parcels separated only by a public road.

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

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

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

10 “(a) Adoption of an exception to the goal related to agricultural lands and to any other appli-  
11 cable goal with which the facility or improvement does not comply; or

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

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

16 “(a) A county may authorize a single agri-tourism or other commercial event or activity on a  
17 tract in a calendar year by an authorization that is personal to the applicant and is not transferred  
18 by, or transferable with, a conveyance of the tract, if the agri-tourism or other commercial event  
19 or activity meets any local standards that apply and:

20 “(A) The agri-tourism or other commercial event or activity is incidental and subordinate to  
21 existing farm use on the tract;

22 “(B) The duration of the agri-tourism or other commercial event or activity does not exceed 72  
23 consecutive hours;

24 “(C) The maximum attendance at the agri-tourism or other commercial event or activity does  
25 not exceed 500 people;

26 “(D) The maximum number of motor vehicles parked at the site of the agri-tourism or other  
27 commercial event or activity does not exceed 250 vehicles;

28 “(E) The agri-tourism or other commercial event or activity complies with ORS 215.296;

29 “(F) The agri-tourism or other commercial event or activity occurs outdoors, in temporary  
30 structures, or in existing permitted structures, subject to health and fire and life safety require-  
31 ments; and

32 “(G) The agri-tourism or other commercial event or activity complies with conditions established  
33 for:

34 “(i) Planned hours of operation;

35 “(ii) Access, egress and parking;

36 “(iii) A traffic management plan that identifies the projected number of vehicles and any antic-  
37 ipated use of public roads; and

38 “(iv) Sanitation and solid waste.

39 “(b) In the alternative to paragraphs (a) and (c) of this subsection, a county may authorize,  
40 through an expedited, single-event license, a single agri-tourism or other commercial event or ac-  
41 tivity on a tract in a calendar year by an expedited, single-event license that is personal to the ap-  
42 plicant and is not transferred by, or transferable with, a conveyance of the tract. A decision  
43 concerning an expedited, single-event license is not a land use decision, as defined in ORS 197.015.  
44 To approve an expedited, single-event license, the governing body of a county or its designee must  
45 determine that the proposed agri-tourism or other commercial event or activity meets any local



1 standards that apply, and the agri-tourism or other commercial event or activity:

2 “(A) Must be incidental and subordinate to existing farm use on the tract;

3 “(B) May not begin before 6 a.m. or end after 10 p.m.;

4 “(C) May not involve more than 100 attendees or 50 vehicles;

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

6 “(E) May not require or involve the construction or use of a new permanent structure in con-  
7 nection with the agri-tourism or other commercial event or activity;

8 “(F) Must be located on a tract of at least 10 acres unless the owners or residents of adjoining  
9 properties consent, in writing, to the location; and

10 “(G) Must comply with applicable health and fire and life safety requirements.

11 “(c) In the alternative to paragraphs (a) and (b) of this subsection, a county may authorize up  
12 to six agri-tourism or other commercial events or activities on a tract in a calendar year by a lim-  
13 ited use permit that is personal to the applicant and is not transferred by, or transferable with, a  
14 conveyance of the tract. The agri-tourism or other commercial events or activities must meet any  
15 local standards that apply, and the agri-tourism or other commercial events or activities:

16 “(A) Must be incidental and subordinate to existing farm use on the tract;

17 “(B) May not, individually, exceed a duration of 72 consecutive hours;

18 “(C) May not require that a new permanent structure be built, used or occupied in connection  
19 with the agri-tourism or other commercial events or activities;

20 “(D) Must comply with ORS 215.296;

21 “(E) May not, in combination with other agri-tourism or other commercial events or activities  
22 authorized in the area, materially alter the stability of the land use pattern in the area; and

23 “(F) Must comply with conditions established for:

24 “(i) The types of agri-tourism or other commercial events or activities that are authorized during  
25 each calendar year, including the number and duration of the agri-tourism or other commercial  
26 events and activities, the anticipated daily attendance and the hours of operation;

27 “(ii) The location of existing structures and the location of proposed temporary structures to  
28 be used in connection with the agri-tourism or other commercial events or activities;

29 “(iii) The location of access and egress and parking facilities to be used in connection with the  
30 agri-tourism or other commercial events or activities;

31 “(iv) Traffic management, including the projected number of vehicles and any anticipated use  
32 of public roads; and

33 “(v) Sanitation and solid waste.

34 “(d) In addition to paragraphs (a) to (c) of this subsection, a county may authorize agri-tourism  
35 or other commercial events or activities that occur more frequently or for a longer period or that  
36 do not otherwise comply with paragraphs (a) to (c) of this subsection if the agri-tourism or other  
37 commercial events or activities comply with any local standards that apply and the agri-tourism or  
38 other commercial events or activities:

39 “(A) Are incidental and subordinate to existing commercial farm use of the tract and are nec-  
40 essary to support the commercial farm uses or the commercial agricultural enterprises in the area;

41 “(B) Comply with the requirements of paragraph (c)(C), (D), (E) and (F) of this subsection;

42 “(C) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size;  
43 and

44 “(D) Do not exceed 18 events or activities in a calendar year.

45 “(12) A holder of a permit authorized by a county under subsection (11)(d) of this section must

1 request review of the permit at four-year intervals. Upon receipt of a request for review, the county  
2 shall:

3 “(a) Provide public notice and an opportunity for public comment as part of the review process;  
4 and

5 “(b) Limit its review to events and activities authorized by the permit, conformance with con-  
6 ditions of approval required by the permit and the standards established by subsection (11)(d) of this  
7 section.

8 “(13) For the purposes of subsection (11) of this section:

9 “(a) A county may authorize the use of temporary structures established in connection with the  
10 agri-tourism or other commercial events or activities authorized under subsection (11) of this sec-  
11 tion. However, the temporary structures must be removed at the end of the agri-tourism or other  
12 event or activity. The county may not approve an alteration to the land in connection with an  
13 agri-tourism or other commercial event or activity authorized under subsection (11) of this section,  
14 including, but not limited to, grading, filling or paving.

15 “(b) The county may issue the limited use permits authorized by subsection (11)(c) of this section  
16 for two calendar years. When considering an application for renewal, the county shall ensure com-  
17 pliance with the provisions of subsection (11)(c) of this section, any local standards that apply and  
18 conditions that apply to the permit or to the agri-tourism or other commercial events or activities  
19 authorized by the permit.

20 “(c) The authorizations provided by subsection (11) of this section are in addition to other au-  
21 thorizations that may be provided by law, except that ‘outdoor mass gathering’ and ‘other  
22 gathering,’ as those terms are used in ORS 197.015 (10)(d), do not include agri-tourism or other  
23 commercial events and activities.

24 “**SECTION 2.** ORS 215.283, as amended by section 3, chapter 74, Oregon Laws 2012, is amended  
25 to read:

26 “215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

27 “(a) Churches and cemeteries in conjunction with churches.

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

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

33 “(d) A dwelling on real property used for farm use if the dwelling is occupied by a relative of  
34 the farm operator or the farm operator’s spouse, which means a child, parent, stepparent, grandchild,  
35 grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, if the farm  
36 operator does or will require the assistance of the relative in the management of the farm use and  
37 the dwelling is located on the same lot or parcel as the dwelling of the farm operator.  
38 Notwithstanding ORS 92.010 to 92.192 or the minimum lot or parcel size requirements under ORS  
39 215.780, if the owner of a dwelling described in this paragraph obtains construction financing or  
40 other financing secured by the dwelling and the secured party forecloses on the dwelling, the se-  
41 cured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure  
42 shall operate as a partition of the homesite to create a new parcel.

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

45 “(f) Operations for the exploration for and production of geothermal resources as defined by

1 ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of  
2 compressors, separators and other customary production equipment for an individual well adjacent  
3 to the wellhead. Any activities or construction relating to such operations shall not be a basis for  
4 an exception under ORS 197.732 (2)(a) or (b).

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

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

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

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

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

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

21 “(m) Creation, restoration or enhancement of wetlands.

22 “(n) A winery, as described in ORS 215.452 or 215.453.

23 “(o) Farm stands if:

24 “(A) The structures are designed and used for the sale of farm crops or livestock grown on the  
25 farm operation, or grown on the farm operation and other farm operations in the local agricultural  
26 area, including the sale of retail incidental items and fee-based activity to promote the sale of farm  
27 crops or livestock sold at the farm stand if the annual sale of incidental items and fees from pro-  
28 motional activity do not make up more than 25 percent of the total annual sales of the farm stand;  
29 and

30 “(B) The farm stand does not include structures designed for occupancy as a residence or for  
31 activity other than the sale of farm crops or livestock and does not include structures for banquets,  
32 public gatherings or public entertainment.

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

34 “(A) Has intact exterior walls and roof structure;

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

37 “(C) Has interior wiring for interior lights;

38 “(D) Has a heating system; and

39 “(E) In the case of replacement:

40 “(i) Is removed, demolished or converted to an allowable nonresidential use within three months  
41 of the completion of the replacement dwelling. A replacement dwelling may be sited on any part of  
42 the same lot or parcel. A dwelling established under this paragraph shall comply with all applicable  
43 siting standards. However, the standards shall not be applied in a manner that prohibits the siting  
44 of the dwelling. If the dwelling to be replaced is located on a portion of the lot or parcel not zoned  
45 for exclusive farm use, the applicant, as a condition of approval, shall execute and record in the

1 deed records for the county where the property is located a deed restriction prohibiting the siting  
2 of a dwelling on that portion of the lot or parcel. The restriction imposed shall be irrevocable unless  
3 a statement of release is placed in the deed records for the county. The release shall be signed by  
4 the county or its designee and state that the provisions of this paragraph regarding replacement  
5 dwellings have changed to allow the siting of another dwelling. The county planning director or the  
6 director's designee shall maintain a record of the lots and parcels that do not qualify for the siting  
7 of a new dwelling under the provisions of this paragraph, including a copy of the deed restrictions  
8 and release statements filed under this paragraph; and

9 “(ii) For which the applicant has requested a deferred replacement permit, is removed or de-  
10 molished within three months after the deferred replacement permit is issued. A deferred replace-  
11 ment permit allows construction of the replacement dwelling at any time. If, however, the  
12 established dwelling is not removed or demolished within three months after the deferred replace-  
13 ment permit is issued, the permit becomes void. The replacement dwelling must comply with appli-  
14 cable building codes, plumbing codes, sanitation codes and other requirements relating to health and  
15 safety or to siting at the time of construction. A deferred replacement permit may not be trans-  
16 ferred, by sale or otherwise, except by the applicant to the spouse or a child of the applicant.

17 “(q) A site for the takeoff and landing of model aircraft, including such buildings or facilities  
18 as may reasonably be necessary. Buildings or facilities shall not be more than 500 square feet in  
19 floor area or placed on a permanent foundation unless the building or facility preexisted the use  
20 approved under this paragraph. The site shall not include an aggregate surface or hard surface area  
21 unless the surface preexisted the use approved under this paragraph. An owner of property used for  
22 the purpose authorized in this paragraph may charge a person operating the use on the property  
23 rent 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 “(r) 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 “(s) Fire service facilities providing rural fire protection services.

36 “(t) 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 “(u) 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  
44 adjacent property owners has been obtained; or

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

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

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

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

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

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

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

20 “(b) Operations conducted for:

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

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

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

26 “(D) Processing of other mineral resources and other subsurface resources.

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

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

39 “(e) Community centers owned by a governmental agency or a nonprofit community organization  
40 and operated primarily by and for residents of the local rural community. A community center au-  
41 thorized under this paragraph may provide services to veterans, including but not limited to emer-  
42 gency and transitional shelter, preparation and service of meals, vocational and educational  
43 counseling and referral to local, state or federal agencies providing medical, mental health, disability  
44 income replacement and substance abuse services, only in a facility that is in existence on January  
45 1, 2006. The services may not include direct delivery of medical, mental health, disability income

1 replacement or substance abuse services.

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

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

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

13 “(i) Home occupations as provided in ORS 215.448.

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

22 “(k) A site, **except a landfill**, for the disposal of solid waste approved by the governing body  
23 of a city or county or both and for which a permit has been granted under ORS 459.245 by the De-  
24 partment of Environmental Quality together with equipment, facilities or buildings necessary for its  
25 operation.

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

34 “(m) Transmission towers over 200 feet in height.

35 “(n)(A) Commercial dog boarding kennels; or

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

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

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

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

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

5 “(s) Improvement of public road and highway related facilities, such as maintenance yards,  
6 weigh stations and rest areas, where additional property or right of way is required but not result-  
7 ing in the creation of new land parcels.

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

10 “(u) Room and board arrangements for a maximum of five unrelated persons in existing resi-  
11 dences.

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

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

15 “(x) A living history museum related to resource based activities owned and operated by a  
16 governmental agency or a local historical society, together with limited commercial activities and  
17 facilities that are directly related to the use and enjoyment of the museum and located within au-  
18 thentic buildings of the depicted historic period or the museum administration building, if areas  
19 other than an exclusive farm use zone cannot accommodate the museum and related activities or if  
20 the museum administration buildings and parking lot are located within one quarter mile of an ur-  
21 ban growth boundary. As used in this paragraph:

22 “(A) ‘Living history museum’ means a facility designed to depict and interpret everyday life and  
23 culture of some specific historic period using authentic buildings, tools, equipment and people to  
24 simulate past activities and events; and

25 “(B) ‘Local historical society’ means the local historical society recognized by the county gov-  
26 erning body and organized under ORS chapter 65.

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

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

33 “(aa) Public or private schools for kindergarten through grade 12, including all buildings es-  
34 sential to the operation of a school, primarily for residents of the rural area in which the school is  
35 located.

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

39 “(a) Adoption of an exception to the goal related to agricultural lands and to any other appli-  
40 cable goal with which the facility or improvement does not comply; or

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

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

45 “(a) A county may authorize a single agri-tourism or other commercial event or activity on a

1 tract in a calendar year by an authorization that is personal to the applicant and is not transferred  
2 by, or transferable with, a conveyance of the tract, if the agri-tourism or other commercial event  
3 or activity meets any local standards that apply and:

4 “(A) The agri-tourism or other commercial event or activity is incidental and subordinate to  
5 existing farm use on the tract;

6 “(B) The duration of the agri-tourism or other commercial event or activity does not exceed 72  
7 consecutive hours;

8 “(C) The maximum attendance at the agri-tourism or other commercial event or activity does  
9 not exceed 500 people;

10 “(D) The maximum number of motor vehicles parked at the site of the agri-tourism or other  
11 commercial event or activity does not exceed 250 vehicles;

12 “(E) The agri-tourism or other commercial event or activity complies with ORS 215.296;

13 “(F) The agri-tourism or other commercial event or activity occurs outdoors, in temporary  
14 structures, or in existing permitted structures, subject to health and fire and life safety require-  
15 ments; and

16 “(G) The agri-tourism or other commercial event or activity complies with conditions established  
17 for:

18 “(i) Planned hours of operation;

19 “(ii) Access, egress and parking;

20 “(iii) A traffic management plan that identifies the projected number of vehicles and any antic-  
21 ipated use of public roads; and

22 “(iv) Sanitation and solid waste.

23 “(b) In the alternative to paragraphs (a) and (c) of this subsection, a county may authorize,  
24 through an expedited, single-event license, a single agri-tourism or other commercial event or ac-  
25 tivity on a tract in a calendar year by an expedited, single-event license that is personal to the ap-  
26 plicant and is not transferred by, or transferable with, a conveyance of the tract. A decision  
27 concerning an expedited, single-event license is not a land use decision, as defined in ORS 197.015.  
28 To approve an expedited, single-event license, the governing body of a county or its designee must  
29 determine that the proposed agri-tourism or other commercial event or activity meets any local  
30 standards that apply, and the agri-tourism or other commercial event or activity:

31 “(A) Must be incidental and subordinate to existing farm use on the tract;

32 “(B) May not begin before 6 a.m. or end after 10 p.m.;

33 “(C) May not involve more than 100 attendees or 50 vehicles;

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

35 “(E) May not require or involve the construction or use of a new permanent structure in con-  
36 nection with the agri-tourism or other commercial event or activity;

37 “(F) Must be located on a tract of at least 10 acres unless the owners or residents of adjoining  
38 properties consent, in writing, to the location; and

39 “(G) Must comply with applicable health and fire and life safety requirements.

40 “(c) In the alternative to paragraphs (a) and (b) of this subsection, a county may authorize up  
41 to six agri-tourism or other commercial events or activities on a tract in a calendar year by a lim-  
42 ited use permit that is personal to the applicant and is not transferred by, or transferable with, a  
43 conveyance of the tract. The agri-tourism or other commercial events or activities must meet any  
44 local standards that apply, and the agri-tourism or other commercial events or activities:

45 “(A) Must be incidental and subordinate to existing farm use on the tract;



1 “(B) May not, individually, exceed a duration of 72 consecutive hours;

2 “(C) May not require that a new permanent structure be built, used or occupied in connection  
3 with the agri-tourism or other commercial events or activities;

4 “(D) Must comply with ORS 215.296;

5 “(E) May not, in combination with other agri-tourism or other commercial events or activities  
6 authorized in the area, materially alter the stability of the land use pattern in the area; and

7 “(F) Must comply with conditions established for:

8 “(i) The types of agri-tourism or other commercial events or activities that are authorized during  
9 each calendar year, including the number and duration of the agri-tourism or other commercial  
10 events and activities, the anticipated daily attendance and the hours of operation;

11 “(ii) The location of existing structures and the location of proposed temporary structures to  
12 be used in connection with the agri-tourism or other commercial events or activities;

13 “(iii) The location of access and egress and parking facilities to be used in connection with the  
14 agri-tourism or other commercial events or activities;

15 “(iv) Traffic management, including the projected number of vehicles and any anticipated use  
16 of public roads; and

17 “(v) Sanitation and solid waste.

18 “(d) In addition to paragraphs (a) to (c) of this subsection, a county may authorize agri-tourism  
19 or other commercial events or activities that occur more frequently or for a longer period or that  
20 do not otherwise comply with paragraphs (a) to (c) of this subsection if the agri-tourism or other  
21 commercial events or activities comply with any local standards that apply and the agri-tourism or  
22 other commercial events or activities:

23 “(A) Are incidental and subordinate to existing commercial farm use of the tract and are nec-  
24 essary to support the commercial farm uses or the commercial agricultural enterprises in the area;

25 “(B) Comply with the requirements of paragraph (c)(C), (D), (E) and (F) of this subsection;

26 “(C) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size;  
27 and

28 “(D) Do not exceed 18 events or activities in a calendar year.

29 “(5) A holder of a permit authorized by a county under subsection (4)(d) of this section must  
30 request review of the permit at four-year intervals. Upon receipt of a request for review, the county  
31 shall:

32 “(a) Provide public notice and an opportunity for public comment as part of the review process;  
33 and

34 “(b) Limit its review to events and activities authorized by the permit, conformance with con-  
35 ditions of approval required by the permit and the standards established by subsection (4)(d) of this  
36 section.

37 “(6) For the purposes of subsection (4) of this section:

38 “(a) A county may authorize the use of temporary structures established in connection with the  
39 agri-tourism or other commercial events or activities authorized under subsection (4) of this section.  
40 However, the temporary structures must be removed at the end of the agri-tourism or other event  
41 or activity. The county may not approve an alteration to the land in connection with an agri-tourism  
42 or other commercial event or activity authorized under subsection (4) of this section, including, but  
43 not limited to, grading, filling or paving.

44 “(b) The county may issue the limited use permits authorized by subsection (4)(c) of this section  
45 for two calendar years. When considering an application for renewal, the county shall ensure com-

1 pliance with the provisions of subsection (4)(c) of this section, any local standards that apply and  
2 conditions that apply to the permit or to the agri-tourism or other commercial events or activities  
3 authorized by the permit.

4 “(c) The authorizations provided by subsection (4) of this section are in addition to other au-  
5 thorizations that may be provided by law, except that ‘outdoor mass gathering’ and ‘other  
6 gathering,’ as those terms are used in ORS 197.015 (10)(d), do not include agri-tourism or other  
7 commercial events and activities.

8 **“SECTION 2a. (1) The State Department of Agriculture and the Department of Land  
9 Conservation and Development jointly shall analyze:**

10 **“(a) Conflicts between farm and nonfarm uses on agricultural land in areas zoned for  
11 exclusive farm use in at least two counties; and**

12 **“(b) Trends in conflicts over time, including the cumulative effects of the conflicts on the  
13 long-term sustainability of agriculture in this state.**

14 **“(2) The State Department of Agriculture and the Department of Land Conservation and  
15 Development shall include in the analysis a review of the acquisition by state and federal  
16 agencies of agricultural land in areas zoned for exclusive farm use for nonagricultural pur-  
17 poses, including wetlands and wildlife habitat.**

18 **“(3) The Department of State Lands, the State Department of Fish and Wildlife, the State  
19 Parks and Recreation Department and the Oregon Watershed Enhancement Board shall co-  
20 operate to provide data and information requested by the State Department of Agriculture  
21 or the Department of Land Conservation and Development for the analysis required by this  
22 section.**

23 **“(4) The State Department of Agriculture and the Department of Land Conservation and  
24 Development shall prepare a report on the analysis required by this section.**

25 **“(5) When the report is prepared, the Department of Land Conservation and Development  
26 shall convene a work group to review the report. The work group shall recommend strategies  
27 intended to limit, avoid or address conflicts between nonfarm uses and farm uses in a man-  
28 ner that ensures the long-term sustainability of agriculture in this state and that provides  
29 for locating nonfarm uses on agricultural lands in areas zoned for exclusive farm use when  
30 that is beneficial. The department shall transmit the recommendations of the work group to  
31 the appropriate interim legislative committees on or before January 1, 2015.**

32 **“SECTION 2b. Section 2a of this 2013 Act is repealed on January 2, 2015.**

33 **“SECTION 3. (1) The amendments to ORS 215.213 by section 1 of this 2013 Act do not  
34 apply to any landfill that is a site for the disposal of solid waste approved by the governing  
35 body of a city or county or both and for which a permit has been granted under ORS 459.245  
36 by the Department of Environmental Quality before the effective date of this 2013 Act. In  
37 addition to the authority to continue, alter, restore or replace a use pursuant to ORS 215.130,  
38 a landfill described in this subsection that existed on the effective date of this 2013 Act may  
39 be expanded on land that was part of the tract on the effective date of this 2013 Act.**

40 **“(2) The amendments to ORS 215.283 by section 2 of this 2013 Act do not apply to any  
41 landfill that is a site for the disposal of solid waste approved by the governing body of a city  
42 or county or both and for which a permit has been granted under ORS 459.245 by the De-  
43 partment of Environmental Quality before the effective date of this 2013 Act. In addition to  
44 the authority to continue, alter, restore or replace a use pursuant to ORS 215.130, a landfill  
45 described in this subsection that existed on the effective date of this 2013 Act may be ex-**

1 panded on land that was part of the tract on the effective date of this 2013 Act.

2       “SECTION 4. This 2013 Act being necessary for the immediate preservation of the public  
3 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect  
4 on its passage.”

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