

**PROPOSED AMENDMENTS TO
HOUSE BILL 2746**

1 On page 1 of the printed bill, line 9, delete “applicant” and insert “per-
2 mitting authority”.

3 In line 10, delete “Provides evidence satisfactory to” and insert “Finds to
4 the satisfaction of”.

5 In line 16, delete “or” and insert “and”.

6 Delete lines 17 and 18 and insert:

7 “(b) Finds that the dwelling is assessed as a dwelling for purposes of ad
8 valorem taxation and has been for the previous five property tax years.”.

9 Delete line 30 and insert:

10 “(A) Must be sited on the same lot or parcel:

11 “(i) Near a road, ditch, river, property line, forest boundary or another
12 natural boundary of the lot or parcel; and

13 “(ii) If possible, for the purpose of minimizing the adverse impacts on re-
14 source use of land in the area, within a concentration or cluster of structures
15 or within 500 yards of another structure.”.

16 On page 19, after line 29, insert:

17 “**SECTION 7.** ORS 215.213, as amended by section 2, chapter 74, Oregon
18 Laws 2012, and section 4 of this 2013 Act, is amended to read:

19 “215.213. (1) In counties that have adopted marginal lands provisions un-
20 der ORS 197.247 (1991 Edition), the following uses may be established in any
21 area zoned for exclusive farm use:

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

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

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

7 “(d) A dwelling on real property used for farm use if the dwelling is oc-
8 cupied by a relative of the farm operator or the farm operator’s spouse,
9 which means a child, parent, stepparent, grandchild, grandparent,
10 stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either,
11 if the farm operator does or will require the assistance of the relative in the
12 management of the farm use and the dwelling is located on the same lot or
13 parcel as the dwelling of the farm operator. Notwithstanding ORS 92.010 to
14 92.192 or the minimum lot or parcel size requirements under ORS 215.780, if
15 the owner of a dwelling described in this paragraph obtains construction fi-
16 nancing or other financing secured by the dwelling and the secured party
17 forecloses on the dwelling, the secured party may also foreclose on the
18 homesite, as defined in ORS 308A.250, and the foreclosure shall operate as
19 a partition of the homesite to create a new parcel.

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

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

27 “(g) Operations for the exploration for and production of geothermal re-
28 sources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005,
29 including the placement and operation of compressors, separators and other
30 customary production equipment for an individual well adjacent to the

1 wellhead. Any activities or construction relating to such operations shall not
2 be a basis for an exception under ORS 197.732 (2)(a) or (b).

3 “(h) Operations for the exploration for minerals as defined by ORS
4 517.750. Any activities or construction relating to such operations shall not
5 be a basis for an exception under ORS 197.732 (2)(a) or (b).

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

17 “(j) Climbing and passing lanes within the right of way existing as of July
18 1, 1987.

19 “(k) Reconstruction or modification of public roads and highways, in-
20 cluding the placement of utility facilities overhead and in the subsurface of
21 public roads and highways along the public right of way, but not including
22 the addition of travel lanes, where no removal or displacement of buildings
23 would occur, or no new land parcels result.

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

26 “(m) Minor betterment of existing public road and highway related facil-
27 ities, such as maintenance yards, weigh stations and rest areas, within right
28 of way existing as of July 1, 1987, and contiguous public-owned property
29 utilized to support the operation and maintenance of public roads and high-
30 ways.

1 “(n) A replacement dwelling to be used in conjunction with farm use if
2 the existing dwelling has been listed in a county inventory as historic prop-
3 erty as defined in ORS 358.480.

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

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

6 “(q) [*Subject to section 2 of this 2013 Act,*] Alteration, restoration or re-
7 placement of a lawfully established dwelling[.] **that:**

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

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

11 “(C) **Has interior wiring for interior lights;**

12 “(D) **Has a heating system; and**

13 “(E) **In the case of replacement:**

14 “(i) **Is removed, demolished or converted to an allowable nonresi-**
15 **dential use within three months of the completion of the replacement**
16 **dwelling. A replacement dwelling may be sited on any part of the same**
17 **lot or parcel. A dwelling established under this paragraph shall comply**
18 **with all applicable siting standards. However, the standards shall not**
19 **be applied in a manner that prohibits the siting of the dwelling. If the**
20 **dwelling to be replaced is located on a portion of the lot or parcel not**
21 **zoned for exclusive farm use, the applicant, as a condition of approval,**
22 **shall execute and record in the deed records for the county where the**
23 **property is located a deed restriction prohibiting the siting of a**
24 **dwelling on that portion of the lot or parcel. The restriction imposed**
25 **shall be irrevocable unless a statement of release is placed in the deed**
26 **records for the county. The release shall be signed by the county or**
27 **its designee and state that the provisions of this paragraph regarding**
28 **replacement dwellings have changed to allow the siting of another**
29 **dwelling. The county planning director or the director’s designee shall**
30 **maintain a record of the lots and parcels that do not qualify for the**

1 **siting of a new dwelling under the provisions of this paragraph, in-**
2 **cluding a copy of the deed restrictions and release statements filed**
3 **under this paragraph; and**

4 **“(ii) For which the applicant has requested a deferred replacement**
5 **permit, is removed or demolished within three months after the de-**
6 **ferred replacement permit is issued. A deferred replacement permit**
7 **allows construction of the replacement dwelling at any time. If, how-**
8 **ever, the established dwelling is not removed or demolished within**
9 **three months after the deferred replacement permit is issued, the**
10 **permit becomes void. The replacement dwelling must comply with ap-**
11 **licable building codes, plumbing codes, sanitation codes and other**
12 **requirements relating to health and safety or to siting at the time of**
13 **construction. A deferred replacement permit may not be transferred,**
14 **by sale or otherwise, except by the applicant to the spouse or a child**
15 **of the applicant.**

16 **“(r) Farm stands if:**

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

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

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

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

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

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

26 “(w) Irrigation reservoirs, canals, delivery lines and those structures and
27 accessory operational facilities, not including parks or other recreational
28 structures and facilities, associated with a district as defined in ORS 540.505.

29 “(x) Utility facility service lines. Utility facility service lines are utility
30 lines and accessory facilities or structures that end at the point where the

1 utility service is received by the customer and that are located on one or
2 more of the following:

3 “(A) A public right of way;

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

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

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

15 “(z) Dog training classes or testing trials, which may be conducted out-
16 doors or in preexisting farm buildings, when:

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

20 “(B) The number of dogs participating in a testing trial does not exceed
21 60 and the number of testing trials to be conducted on-site is limited to four
22 or fewer trials per calendar year.

23 “(2) In counties that have adopted marginal lands provisions under ORS
24 197.247 (1991 Edition), the following uses may be established in any area
25 zoned for exclusive farm use subject to ORS 215.296:

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

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

30 “(B) Is not smaller than the average farm or woodlot in the county

1 producing at least \$2,500 in annual gross income from the crops, livestock
2 or forest products to be raised on the farm operation or woodlot.

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

7 “(A) Has produced at least \$20,000 in annual gross farm income in two
8 consecutive calendar years out of the three calendar years before the year
9 in which the application for the dwelling was made or is planted in peren-
10 nials capable of producing upon harvest an average of at least \$20,000 in
11 annual gross farm income; or

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

14 “(c) Commercial activities that are in conjunction with farm use, includ-
15 ing the processing of farm crops into biofuel not permitted under ORS
16 215.203 (2)(b)(K) or subsection (1)(u) of this section.

17 “(d) Operations conducted for:

18 “(A) Mining and processing of geothermal resources as defined by ORS
19 522.005 and oil and gas as defined by ORS 520.005, not otherwise permitted
20 under subsection (1)(g) of this section;

21 “(B) Mining, crushing or stockpiling of aggregate and other mineral and
22 other subsurface resources subject to ORS 215.298;

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

25 “(D) Processing of other mineral resources and other subsurface re-
26 sources.

27 “(e) Community centers owned by a governmental agency or a nonprofit
28 community organization and operated primarily by and for residents of the
29 local rural community, hunting and fishing preserves, public and private
30 parks, playgrounds and campgrounds. Subject to the approval of the county

1 governing body or its designee, a private campground may provide yurts for
2 overnight camping. No more than one-third or a maximum of 10 campsites,
3 whichever is smaller, may include a yurt. The yurt shall be located on the
4 ground or on a wood floor with no permanent foundation. Upon request of
5 a county governing body, the Land Conservation and Development Commis-
6 sion may provide by rule for an increase in the number of yurts allowed on
7 all or a portion of the campgrounds in a county if the commission determines
8 that the increase will comply with the standards described in ORS 215.296
9 (1). A public park or campground may be established as provided under ORS
10 195.120. As used in this paragraph, 'yurt' means a round, domed shelter of
11 cloth or canvas on a collapsible frame with no plumbing, sewage disposal
12 hookup or internal cooking appliance.

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

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

17 “(h) Personal-use airports for airplanes and helicopter pads, including
18 associated hangar, maintenance and service facilities. A personal-use airport
19 as used in this section means an airstrip restricted, except for aircraft
20 emergencies, to use by the owner, and, on an infrequent and occasional basis,
21 by invited guests, and by commercial aviation activities in connection with
22 agricultural operations. No aircraft may be based on a personal-use airport
23 other than those owned or controlled by the owner of the airstrip. Exceptions
24 to the activities permitted under this definition may be granted through
25 waiver action by the Oregon Department of Aviation in specific instances.
26 A personal-use airport lawfully existing as of September 13, 1975, shall con-
27 tinue to be permitted subject to any applicable rules of the Oregon Depart-
28 ment of Aviation.

29 “(i) A facility for the primary processing of forest products, provided that
30 such facility is found to not seriously interfere with accepted farming prac-

1 tices and is compatible with farm uses described in ORS 215.203 (2). Such a
2 facility may be approved for a one-year period which is renewable. These
3 facilities are intended to be only portable or temporary in nature. The pri-
4 mary processing of a forest product, as used in this section, means the use
5 of a portable chipper or stud mill or other similar methods of initial treat-
6 ment of a forest product in order to enable its shipment to market. Forest
7 products, as used in this section, means timber grown upon a parcel of land
8 or contiguous land where the primary processing facility is located.

9 “(j) A site for the disposal of solid waste approved by the governing body
10 of a city or county or both and for which a permit has been granted under
11 ORS 459.245 by the Department of Environmental Quality together with
12 equipment, facilities or buildings necessary for its operation.

13 “(k)(A) Commercial dog boarding kennels; or

14 “(B) Dog training classes or testing trials that cannot be established un-
15 der subsection (1)(z) of this section.

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

17 “(m) The propagation, cultivation, maintenance and harvesting of aquatic
18 species that are not under the jurisdiction of the State Fish and Wildlife
19 Commission or insect species. Insect species shall not include any species
20 under quarantine by the State Department of Agriculture or the United
21 States Department of Agriculture. The county shall provide notice of all
22 applications under this paragraph to the State Department of Agriculture.
23 Notice shall be provided in accordance with the county’s land use regu-
24 lations but shall be mailed at least 20 calendar days prior to any adminis-
25 trative decision or initial public hearing on the application.

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

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

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

1 “(q) Reconstruction or modification of public roads and highways involv-
2 ing the removal or displacement of buildings but not resulting in the cre-
3 ation of new land parcels.

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

8 “(s) A destination resort that is approved consistent with the require-
9 ments of any statewide planning goal relating to the siting of a destination
10 resort.

11 “(t) Room and board arrangements for a maximum of five unrelated per-
12 sons in existing residences.

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

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

26 “(B) ‘Local historical society’ means the local historical society, recog-
27 nized as such by the county governing body and organized under ORS chap-
28 ter 65.

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

30 “(w) An aerial fireworks display business that has been in continuous

1 operation at its current location within an exclusive farm use zone since
2 December 31, 1986, and possesses a wholesaler's permit to sell or provide
3 fireworks.

4 “(x) A landscape contracting business, as defined in ORS 671.520, or a
5 business providing landscape architecture services, as described in ORS
6 671.318, if the business is pursued in conjunction with the growing and
7 marketing of nursery stock on the land that constitutes farm use.

8 “(y) Public or private schools for kindergarten through grade 12, includ-
9 ing all buildings essential to the operation of a school, primarily for resi-
10 dents of the rural area in which the school is located.

11 “(3) In counties that have adopted marginal lands provisions under ORS
12 197.247 (1991 Edition), a single-family residential dwelling not provided in
13 conjunction with farm use may be established on a lot or parcel with soils
14 predominantly in capability classes IV through VIII as determined by the
15 Agricultural Capability Classification System in use by the United States
16 Department of Agriculture Soil Conservation Service on October 15, 1983. A
17 proposed dwelling is subject to approval of the governing body or its
18 designee in any area zoned for exclusive farm use upon written findings
19 showing all of the following:

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

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

28 “(c) Complies with such other conditions as the governing body or its
29 designee considers necessary.

30 “(4) In counties that have adopted marginal lands provisions under ORS

1 197.247 (1991 Edition), one single-family dwelling, not provided in conjunc-
2 tion with farm use, may be established in any area zoned for exclusive farm
3 use on a lot or parcel described in subsection (7) of this section that is not
4 larger than three acres upon written findings showing:

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

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

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

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

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

19 “(b) Persons who have requested notice of such applications and who have
20 paid a reasonable fee 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
22 persons have 15 days following the date of postmark of the notice to file a
23 written objection on the grounds only that the dwelling or activities associ-
24 ated with it would force a significant change in or significantly increase the
25 cost of accepted farming practices on nearby lands devoted to farm use. If
26 no objection is received, the governing body or its designee shall approve or
27 disapprove the application. If an objection is received, the governing body
28 shall set the matter for hearing in the manner prescribed in ORS 215.402 to
29 215.438. The governing body may charge the reasonable costs of the notice
30 required by subsection (5)(a) of this section to the applicant for the permit

1 requested under subsection (4) of this section.

2 “(7) Subsection (4) of this section applies to a lot or parcel lawfully cre-
3 ated between January 1, 1948, and July 1, 1983. For the purposes of this
4 section:

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

6 “(A) A lot or parcel described in this section is contiguous to one or more
7 lots or parcels described in this section; and

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

11 “(b) ‘Contiguous’ means lots, parcels or lots and parcels that have a
12 common boundary, including but not limited to, lots, parcels or lots and
13 parcels separated only by a public road.

14 “(8) A person who sells or otherwise transfers real property in an exclu-
15 sive farm use zone may retain a life estate in a dwelling on that property
16 and in a tract of land under and around the dwelling.

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

19 “(10) Roads, highways and other transportation facilities and improve-
20 ments not allowed under subsections (1) and (2) of this section may be es-
21 tablished, subject to the approval of the governing body or its designee, in
22 areas zoned for exclusive farm use subject to:

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

26 “(b) ORS 215.296 for those uses identified by rule of the Land Conserva-
27 tion and Development Commission as provided in section 3, chapter 529,
28 Oregon Laws 1993.

29 “(11) The following agri-tourism and other commercial events or activities
30 that are related to and supportive of agriculture may be established in any

1 area zoned for exclusive farm use:

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

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

9 “(B) The duration of the agri-tourism or other commercial event or ac-
10 tivity does not exceed 72 consecutive hours;

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

13 “(D) The maximum number of motor vehicles parked at the site of the
14 agri-tourism or other commercial event or activity does not exceed 250 ve-
15 hicles;

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

18 “(F) The agri-tourism or other commercial event or activity occurs out-
19 doors, in temporary structures, or in existing permitted structures, subject
20 to health and fire and life safety requirements; and

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

23 “(i) Planned hours of operation;

24 “(ii) Access, egress and parking;

25 “(iii) A traffic management plan that identifies the projected number of
26 vehicles and any anticipated use of public roads; and

27 “(iv) Sanitation and solid waste.

28 “(b) In the alternative to paragraphs (a) and (c) of this subsection, a
29 county may authorize, through an expedited, single-event license, a single
30 agri-tourism or other commercial event or activity on a tract in a calendar

1 year by an expedited, single-event license that is personal to the applicant
2 and is not transferred by, or transferable with, a conveyance of the tract. A
3 decision concerning an expedited, single-event license is not a land use de-
4 cision, as defined in ORS 197.015. To approve an expedited, single-event li-
5 cense, the governing body of a county or its designee must determine that
6 the proposed agri-tourism or other commercial event or activity meets any
7 local standards that apply, and the agri-tourism or other commercial event
8 or activity:

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

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

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

12 “(D) May not include the artificial amplification of music or voices before
13 8 a.m. or after 8 p.m.;

14 “(E) May not require or involve the construction or use of a new perma-
15 nent structure in connection with the agri-tourism or other commercial event
16 or activity;

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

19 “(G) Must comply with applicable health and fire and life safety require-
20 ments.

21 “(c) In the alternative to paragraphs (a) and (b) of this subsection, a
22 county may authorize up to six agri-tourism or other commercial events or
23 activities on a tract in a calendar year by a limited use permit that is per-
24 sonal to the applicant and is not transferred by, or transferable with, a
25 conveyance of the tract. The agri-tourism or other commercial events or
26 activities must meet any local standards that apply, and the agri-tourism or
27 other commercial events or activities:

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

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

30 “(C) May not require that a new permanent structure be built, used or

1 occupied in connection with the agri-tourism or other commercial events or
2 activities;

3 “(D) Must comply with ORS 215.296;

4 “(E) May not, in combination with other agri-tourism or other commercial
5 events or activities authorized in the area, materially alter the stability of
6 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
9 that are authorized during each calendar year, including the number and
10 duration of the agri-tourism or other commercial events and activities, the
11 anticipated daily attendance and the hours of operation;

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

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

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

19 “(v) Sanitation and solid waste.

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

26 “(A) Are incidental and subordinate to existing commercial farm use of
27 the tract and are necessary to support the commercial farm uses or the
28 commercial agricultural enterprises in the area;

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

1 “(C) Occur on a lot or parcel that complies with the acknowledged mini-
2 mum lot or parcel size; and

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

4 “(12) A holder of a permit authorized by a county under subsection (11)(d)
5 of this section must request review of the permit at four-year intervals. Upon
6 receipt of a request for review, the county shall:

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

9 “(b) Limit its review to events and activities authorized by the permit,
10 conformance with conditions of approval required by the permit and the
11 standards established by subsection (11)(d) of this section.

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

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

21 “(b) The county may issue the limited use permits authorized by sub-
22 section (11)(c) of this section for two calendar years. When considering an
23 application for renewal, the county shall ensure compliance with the pro-
24 visions of subsection (11)(c) of this section, any local standards that apply
25 and conditions that apply to the permit or to the agri-tourism or other
26 commercial events or activities authorized by the permit.

27 “(c) The authorizations provided by subsection (11) of this section are in
28 addition to other authorizations that may be provided by law, except that
29 ‘outdoor mass gathering’ and ‘other gathering,’ as those terms are used in
30 ORS 197.015 (10)(d), do not include agri-tourism or other commercial events

1 and activities.

2 **“SECTION 8.** ORS 215.283, as amended by section 3, chapter 74, Oregon
3 Laws 2012, and section 5 of this 2013 Act, is amended to read:

4 “215.283. (1) The following uses may be established in any area zoned for
5 exclusive farm use:

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

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

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

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

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

28 “(f) Operations for the exploration for and production of geothermal re-
29 sources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005,
30 including the placement and operation of compressors, separators and other

1 customary production equipment for an individual well adjacent to the
2 wellhead. Any activities or construction relating to such operations shall not
3 be a basis for an exception under ORS 197.732 (2)(a) or (b).

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

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

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

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

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

21 “(L) A replacement dwelling to be used in conjunction with farm use if
22 the existing dwelling has been listed in a county inventory as historic prop-
23 erty as defined in ORS 358.480.

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

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

26 “(o) Farm stands if:

27 “(A) The structures are designed and used for the sale of farm crops or
28 livestock grown on the farm operation, or grown on the farm operation and
29 other farm operations in the local agricultural area, including the sale of
30 retail incidental items and fee-based activity to promote the sale of farm

1 crops or livestock sold at the farm stand if the annual sale of incidental
2 items and fees from promotional activity do not make up more than 25 per-
3 cent of the total annual sales of the farm stand; and

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

8 “(p) [*Subject to section 2 of this 2013 Act,*] Alteration, restoration or re-
9 placement of a lawfully established dwelling[.] **that:**

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

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

13 **“(C) Has interior wiring for interior lights;**

14 **“(D) Has a heating system; and**

15 **“(E) In the case of replacement:**

16 **“(i) Is removed, demolished or converted to an allowable nonresi-**
17 **dential use within three months of the completion of the replacement**
18 **dwelling. A replacement dwelling may be sited on any part of the same**
19 **lot or parcel. A dwelling established under this paragraph shall comply**
20 **with all applicable siting standards. However, the standards shall not**
21 **be applied in a manner that prohibits the siting of the dwelling. If the**
22 **dwelling to be replaced is located on a portion of the lot or parcel not**
23 **zoned for exclusive farm use, the applicant, as a condition of approval,**
24 **shall execute and record in the deed records for the county where the**
25 **property is located a deed restriction prohibiting the siting of a**
26 **dwelling on that portion of the lot or parcel. The restriction imposed**
27 **shall be irrevocable unless a statement of release is placed in the deed**
28 **records for the county. The release shall be signed by the county or**
29 **its designee and state that the provisions of this paragraph regarding**
30 **replacement dwellings have changed to allow the siting of another**

1 **dwelling. The county planning director or the director’s designee shall**
2 **maintain a record of the lots and parcels that do not qualify for the**
3 **siting of a new dwelling under the provisions of this paragraph, in-**
4 **cluding a copy of the deed restrictions and release statements filed**
5 **under this paragraph; and**

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

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

1 on the ground.

2 “(r) A facility for the processing of farm crops, or the production of
3 biofuel as defined in ORS 315.141, that is located on a farm operation that
4 provides at least one-quarter of the farm crops processed at the facility. The
5 building established for the processing facility shall not exceed 10,000 square
6 feet of floor area exclusive of the floor area designated for preparation,
7 storage or other farm use or devote more than 10,000 square feet to the
8 processing activities within another building supporting farm uses. A pro-
9 cessing facility shall comply with all applicable siting standards but the
10 standards shall not be applied in a manner that prohibits the siting of the
11 processing facility.

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

13 “(t) Irrigation reservoirs, canals, delivery lines and those structures and
14 accessory operational facilities, not including parks or other recreational
15 structures and facilities, associated with a district as defined in ORS 540.505.

16 “(u) Utility facility service lines. Utility facility service lines are utility
17 lines and accessory facilities or structures that end at the point where the
18 utility service is received by the customer and that are located on one or
19 more of the following:

20 “(A) A public right of way;

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

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

24 “(v) Subject to the issuance of a license, permit or other approval by the
25 Department of Environmental Quality under ORS 454.695, 459.205, 468B.050,
26 468B.053 or 468B.055, or in compliance with rules adopted under ORS
27 468B.095, and as provided in ORS 215.246 to 215.251, the land application of
28 reclaimed water, agricultural or industrial process water or biosolids for
29 agricultural, horticultural or silvicultural production, or for irrigation in
30 connection with a use allowed in an exclusive farm use zone under this

1 chapter.

2 “(w) A county law enforcement facility that lawfully existed on August
3 20, 2002, and is used to provide rural law enforcement services primarily in
4 rural areas, including parole and post-prison supervision, but not including
5 a correctional facility as defined under ORS 162.135.

6 “(x) Dog training classes or testing trials, which may be conducted out-
7 doors or in preexisting farm buildings, when:

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

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

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

17 “(a) Commercial activities that are in conjunction with farm use, includ-
18 ing the processing of farm crops into biofuel not permitted under ORS
19 215.203 (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
22 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted
23 under subsection (1)(f) of this section;

24 “(B) Mining, crushing or stockpiling of aggregate and other mineral and
25 other subsurface resources subject to ORS 215.298;

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

28 “(D) Processing of other mineral resources and other subsurface re-
29 sources.

30 “(c) Private parks, playgrounds, hunting and fishing preserves and

1 campgrounds. Subject to the approval of the county governing body or its
2 designee, a private campground may provide yurts for overnight camping.
3 No more than one-third or a maximum of 10 campsites, whichever is smaller,
4 may include a yurt. The yurt shall be located on the ground or on a wood
5 floor with no permanent foundation. Upon request of a county governing
6 body, the Land Conservation and Development Commission may provide by
7 rule for an increase in the number of yurts allowed on all or a portion of
8 the campgrounds in a county if the commission determines that the increase
9 will comply with the standards described in ORS 215.296 (1). As used in this
10 paragraph, 'yurt' means a round, domed shelter of cloth or canvas on a
11 collapsible frame with no plumbing, sewage disposal hookup or internal
12 cooking appliance.

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

15 “(e) Community centers owned by a governmental agency or a nonprofit
16 community organization and operated primarily by and for residents of the
17 local rural community. A community center authorized under this paragraph
18 may provide services to veterans, including but not limited to emergency and
19 transitional shelter, preparation and service of meals, vocational and educa-
20 tional counseling and referral to local, state or federal agencies providing
21 medical, mental health, disability income replacement and substance abuse
22 services, only in a facility that is in existence on January 1, 2006. The ser-
23 vices may not include direct delivery of medical, mental health, disability
24 income replacement or substance abuse services.

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

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

29 “(h) Personal-use airports for airplanes and helicopter pads, including
30 associated hangar, maintenance and service facilities. A personal-use airport,

1 as used in this section, means an airstrip restricted, except for aircraft
2 emergencies, to use by the owner, and, on an infrequent and occasional basis,
3 by invited guests, and by commercial aviation activities in connection with
4 agricultural operations. No aircraft may be based on a personal-use airport
5 other than those owned or controlled by the owner of the airstrip. Exceptions
6 to the activities permitted under this definition may be granted through
7 waiver action by the Oregon Department of Aviation in specific instances.
8 A personal-use airport lawfully existing as of September 13, 1975, shall con-
9 tinue to be permitted subject to any applicable rules of the Oregon Depart-
10 ment of Aviation.

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

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

22 “(k) A site 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
24 ORS 459.245 by the Department of Environmental Quality together with
25 equipment, facilities or buildings necessary for its operation.

26 “(L) One manufactured dwelling or recreational vehicle, or the temporary
27 residential use of an existing building, in conjunction with an existing
28 dwelling as a temporary use for the term of a hardship suffered by the ex-
29 isting resident or a relative of the resident. Within three months of the end
30 of the hardship, the manufactured dwelling or recreational vehicle shall be

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

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

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

9 “(B) Dog training classes or testing trials that cannot be established un-
10 der subsection (1)(x) of this section.

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

12 “(p) The propagation, cultivation, maintenance and harvesting of aquatic
13 species that are not under the jurisdiction of the State Fish and Wildlife
14 Commission or insect species. Insect species shall not include any species
15 under quarantine by the State Department of Agriculture or the United
16 States Department of Agriculture. The county shall provide notice of all
17 applications under this paragraph to the State Department of Agriculture.
18 Notice shall be provided in accordance with the county’s land use regu-
19 lations but shall be mailed at least 20 calendar days prior to any adminis-
20 trative decision or initial public hearing on the application.

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

24 “(r) Reconstruction or modification of public roads and highways involv-
25 ing the removal or displacement of buildings but not resulting in the cre-
26 ation of new land parcels.

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

1 “(t) A destination resort that is approved consistent with the require-
2 ments of any statewide planning goal relating to the siting of a destination
3 resort.

4 “(u) Room and board arrangements for a maximum of five unrelated per-
5 sons in existing residences.

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

7 “(w) Expansion of existing county fairgrounds and activities directly re-
8 lating to county fairgrounds governed by county fair boards established
9 pursuant to ORS 565.210.

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

19 “(A) ‘Living history museum’ means a facility designed to depict and in-
20 terpret everyday life and culture of some specific historic period using au-
21 thentic buildings, tools, equipment and people to simulate past activities and
22 events; and

23 “(B) ‘Local historical society’ means the local historical society recog-
24 nized by the county governing body and organized under ORS chapter 65.

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

29 “(z) A landscape contracting business, as defined in ORS 671.520, or a
30 business providing landscape architecture services, as described in ORS

1 671.318, if the business is pursued in conjunction with the growing and
2 marketing of nursery stock on the land that constitutes farm use.

3 “(aa) Public or private schools for kindergarten through grade 12, in-
4 cluding all buildings essential to the operation of a school, primarily for
5 residents of the rural area in which the school is located.

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

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

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

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

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

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

26 “(B) The duration of the agri-tourism or other commercial event or ac-
27 tivity does not exceed 72 consecutive hours;

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

30 “(D) The maximum number of motor vehicles parked at the site of the

1 agri-tourism or other commercial event or activity does not exceed 250 ve-
2 hicles;

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

5 “(F) The agri-tourism or other commercial event or activity occurs out-
6 doors, in temporary structures, or in existing permitted structures, subject
7 to health and fire and life safety requirements; and

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

10 “(i) Planned hours of operation;

11 “(ii) Access, egress and parking;

12 “(iii) A traffic management plan that identifies the projected number of
13 vehicles and any anticipated use of public roads; and

14 “(iv) Sanitation and solid waste.

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

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

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

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

29 “(D) May not include the artificial amplification of music or voices before
30 8 a.m. or after 8 p.m.;

1 “(E) May not require or involve the construction or use of a new perma-
2 nent structure in connection with the agri-tourism or other commercial event
3 or activity;

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

6 “(G) Must comply with applicable health and fire and life safety require-
7 ments.

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

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

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

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

20 “(D) Must comply with ORS 215.296;

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

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

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

29 “(ii) The location of existing structures and the location of proposed
30 temporary structures to be used in connection with the agri-tourism or other

1 commercial events or activities;

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

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

6 “(v) Sanitation and solid waste.

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

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

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

18 “(C) Occur on a lot or parcel that complies with the acknowledged mini-
19 mum lot or parcel size; and

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

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

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

26 “(b) Limit its review to events and activities authorized by the permit,
27 conformance with conditions of approval required by the permit and the
28 standards established by subsection (4)(d) of this section.

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

30 “(a) A county may authorize the use of temporary structures established

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

8 “(b) The county may issue the limited use permits authorized by sub-
9 section (4)(c) of this section for two calendar years. When considering an
10 application for renewal, the county shall ensure compliance with the pro-
11 visions of subsection (4)(c) of this section, any local standards that apply and
12 conditions that apply to the permit or to the agri-tourism or other commer-
13 cial events or activities authorized by the permit.

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

19 **“SECTION 9.** ORS 215.417, as amended by section 6 of this 2013 Act, is
20 amended to read:

21 “215.417. (1) If a permit is approved under ORS 215.416 for a proposed
22 residential development on agricultural or forest land outside of an urban
23 growth boundary under ORS 215.010 to 215.293 or 215.317 to 215.438 or under
24 county legislation or regulation, the permit shall be valid for four years.

25 “(2) An extension of a permit described in subsection (1) of this section
26 shall be valid for two years.

27 “(3) For the purposes of this section, ‘residential development’ only in-
28 cludes the dwellings provided for under ORS 215.213 (1)(q), (3) and (4),
29 **215.283 (1)(p)**, 215.284, 215.317, 215.705 (1) to (3), 215.720, 215.740, 215.750 and
30 215.755 (1) and (3).

1 **SECTION 10. The amendments to ORS 215.213, 215.283 and 215.417**
2 **by sections 7, 8 and 9 of this 2013 Act become operative January 2, 2024.**

3 **SECTION 11. Sections 2 and 3 of this 2013 Act are repealed January**
4 **2, 2024.”.**

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