

**PROPOSED AMENDMENTS TO  
HOUSE BILL 3040**

1 On page 1 of the printed bill, line 2, after the semicolon delete the rest  
2 of the line and delete lines 3 and 4 and insert “creating new provisions; and  
3 amending ORS 215.213 and 215.283.”.

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

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

7 “215.213. (1) In counties that have adopted marginal lands provisions un-  
8 der ORS 197.247 (1991 Edition), the following uses may be established in any  
9 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  
13 treatment systems but not including commercial facilities for the purpose of  
14 generating electrical power for public use by sale or transmission towers  
15 over 200 feet in height. A utility facility necessary for public service may  
16 be established as provided in ORS 215.275.

17 “(d) A dwelling on real property used for farm use if the dwelling is oc-  
18 cupied by a relative of the farm operator or the farm operator’s spouse,  
19 which means a child, parent, stepparent, grandchild, grandparent,  
20 stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either,  
21 if the farm operator does or will require the assistance of the relative in the  
22 management of the farm use and the dwelling is located on the same lot or

1 parcel as the dwelling of the farm operator. Notwithstanding ORS 92.010 to  
2 92.192 or the minimum lot or parcel size requirements under ORS 215.780, if  
3 the owner of a dwelling described in this paragraph obtains construction fi-  
4 nancing or other financing secured by the dwelling and the secured party  
5 forecloses on the dwelling, the secured party may also foreclose on the  
6 homesite, as defined in ORS 308A.250, and the foreclosure shall operate as  
7 a partition of the homesite to create a new parcel.

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

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

15 “(g) Operations for the exploration for and production of geothermal re-  
16 sources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005,  
17 including the placement and operation of compressors, separators and other  
18 customary production equipment for an individual well adjacent to the  
19 wellhead. Any activities or construction relating to such operations shall not  
20 be a basis for an exception under ORS 197.732 (2)(a) or (b).

21 “(h) Operations for the exploration for minerals as defined by ORS  
22 517.750. Any activities or construction relating to such operations shall not  
23 be a basis for an exception under ORS 197.732 (2)(a) or (b).

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

1 The governing body or its designee shall provide for periodic review of the  
2 hardship claimed under this paragraph. A temporary residence approved un-  
3 der this paragraph is not eligible for replacement under paragraph (q) of this  
4 subsection.

5 “(j) Climbing and passing lanes within the right of way existing as of July  
6 1, 1987.

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

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

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

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

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

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

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

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

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

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

30 “(D) Has a heating system; and

1       “(E) In the case of replacement:

2       “(i) Is removed, demolished or converted to an allowable nonresidential  
3 use within three months of the completion of the replacement dwelling. A  
4 replacement dwelling may be sited on any part of the same lot or parcel. A  
5 dwelling established under this paragraph shall comply with all applicable  
6 siting standards. However, the standards shall not be applied in a manner  
7 that prohibits the siting of the dwelling. If the dwelling to be replaced is  
8 located on a portion of the lot or parcel not zoned for exclusive farm use,  
9 the applicant, as a condition of approval, shall execute and record in the  
10 deed records for the county where the property is located a deed restriction  
11 prohibiting the siting of a dwelling on that portion of the lot or parcel. The  
12 restriction imposed shall be irrevocable unless a statement of release is  
13 placed in the deed records for the county. The release shall be signed by the  
14 county or its designee and state that the provisions of this paragraph re-  
15 garding replacement dwellings have changed to allow the siting of another  
16 dwelling. The county planning director or the director’s designee shall  
17 maintain a record of the lots and parcels that do not qualify for the siting  
18 of a new dwelling under the provisions of this paragraph, including a copy  
19 of the deed restrictions and release statements filed under this paragraph;  
20 and

21       “(ii) For which the applicant has requested a deferred replacement permit,  
22 is removed or demolished within three months after the deferred replacement  
23 permit is issued. A deferred replacement permit allows construction of the  
24 replacement dwelling at any time. If, however, the established dwelling is  
25 not removed or demolished within three months after the deferred replace-  
26 ment permit is issued, the permit becomes void. The replacement dwelling  
27 must comply with applicable building codes, plumbing codes, sanitation codes  
28 and other requirements relating to health and safety or to siting at the time  
29 of construction. A deferred replacement permit may not be transferred, by  
30 sale or otherwise, except by the applicant to the spouse or a child of the

1 applicant.

2 “(r) Farm stands if:

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

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

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

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

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

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

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

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

19       “(A) A public right of way;

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

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

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

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

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

6 “(B) The number of dogs participating in a testing trial does not exceed  
7 60 and the number of testing trials to be conducted on-site is limited to four  
8 or fewer trials per calendar year.

9 “(2) In counties that have adopted marginal lands provisions under ORS  
10 197.247 (1991 Edition), the following uses may be established in any area  
11 zoned for exclusive farm use subject to ORS 215.296:

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

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

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

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

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

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

30 “(c) Commercial activities that are in conjunction with farm use, includ-

1 ing the processing of farm crops into biofuel not permitted under ORS  
2 215.203 (2)(b)(K) or subsection (1)(u) of this section.

3 “(d) Operations conducted for:

4 “(A) Mining and processing of geothermal resources as defined by ORS  
5 522.005 and oil and gas as defined by ORS 520.005, not otherwise permitted  
6 under subsection (1)(g) of this section;

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

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

11 “(D) Processing of other mineral resources and other subsurface re-  
12 sources.

13 “(e) Community centers owned by a governmental agency or a nonprofit  
14 community organization and operated primarily by and for residents of the  
15 local rural community, hunting and fishing preserves, public and private  
16 parks, playgrounds and campgrounds. Subject to the approval of the county  
17 governing body or its designee, a private campground may provide yurts for  
18 overnight camping. No more than one-third or a maximum of 10 campsites,  
19 whichever is smaller, may include a yurt. The yurt shall be located on the  
20 ground or on a wood floor with no permanent foundation. Upon request of  
21 a county governing body, the Land Conservation and Development Commis-  
22 sion may provide by rule for an increase in the number of yurts allowed on  
23 all or a portion of the campgrounds in a county if the commission determines  
24 that the increase will comply with the standards described in ORS 215.296  
25 (1). A public park or campground may be established as provided under ORS  
26 195.120. As used in this paragraph, ‘yurt’ means a round, domed shelter of  
27 cloth or canvas on a collapsible frame with no plumbing, sewage disposal  
28 hookup or internal cooking appliance.

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



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

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

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

25 “(j) A site, **except a landfill**, for the disposal of solid waste approved by  
26 the governing body of a city or county or both and for which a permit has  
27 been granted under ORS 459.245 by the Department of Environmental Quality  
28 together with equipment, facilities or buildings necessary for its operation.

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

30 “(B) Dog training classes or testing trials that cannot be established un-

1 der subsection (1)(z) of this section.

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

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

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

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

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

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

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

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

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

29 “(u) A living history museum related to resource based activities owned  
30 and operated by a governmental agency or a local historical society, together

1 with limited commercial activities and facilities that are directly related to  
2 the use and enjoyment of the museum and located within authentic buildings  
3 of the depicted historic period or the museum administration building, if  
4 areas other than an exclusive farm use zone cannot accommodate the mu-  
5 seum and related activities or if the museum administration buildings and  
6 parking lot are located within one quarter mile of the metropolitan urban  
7 growth boundary. As used in this paragraph:

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

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

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

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

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

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

27 “(3) In counties that have adopted marginal lands provisions under ORS  
28 197.247 (1991 Edition), a single-family residential dwelling not provided in  
29 conjunction with farm use may be established on a lot or parcel with soils  
30 predominantly in capability classes IV through VIII as determined by the

1 Agricultural Capability Classification System in use by the United States  
2 Department of Agriculture Soil Conservation Service on October 15, 1983. A  
3 proposed dwelling is subject to approval of the governing body or its  
4 designee in any area zoned for exclusive farm use upon written findings  
5 showing all of the following:

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

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

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

16 “(4) In counties that have adopted marginal lands provisions under ORS  
17 197.247 (1991 Edition), one single-family dwelling, not provided in conjunc-  
18 tion with farm use, may be established in any area zoned for exclusive farm  
19 use on a lot or parcel described in subsection (7) of this section that is not  
20 larger than three acres upon written findings showing:

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

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

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

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

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

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

7 “(6) The notice required in subsection (5) of this section shall specify that  
8 persons have 15 days following the date of postmark of the notice to file a  
9 written objection on the grounds only that the dwelling or activities associ-  
10 ated with it would force a significant change in or significantly increase the  
11 cost of accepted farming practices on nearby lands devoted to farm use. If  
12 no objection is received, the governing body or its designee shall approve or  
13 disapprove the application. If an objection is received, the governing body  
14 shall set the matter for hearing in the manner prescribed in ORS 215.402 to  
15 215.438. The governing body may charge the reasonable costs of the notice  
16 required by subsection (5)(a) of this section to the applicant for the permit  
17 requested under subsection (4) of this section.

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

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

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

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

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

30 “(8) A person who sells or otherwise transfers real property in an exclu-

1 sive farm use zone may retain a life estate in a dwelling on that property  
2 and in a tract of land under and around the dwelling.

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

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

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

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

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

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

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

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

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

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

1 hicles;

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

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

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

9 “(i) Planned hours of operation;

10 “(ii) Access, egress and parking;

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

13 “(iv) Sanitation and solid waste.

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

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

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

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

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

30 “(E) May not require or involve the construction or use of a new perma-

1    nent structure in connection with the agri-tourism or other commercial event  
2    or activity;

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

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

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

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

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

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

19       “(D) Must comply with ORS 215.296;

20       “(E) May not, in combination with other agri-tourism or other commercial  
21   events or activities authorized in the area, materially alter the stability of  
22   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  
25   that are authorized during each calendar year, including the number and  
26   duration of the agri-tourism or other commercial events and activities, the  
27   anticipated daily attendance and the hours of operation;

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



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

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

5       “(v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

29       “(a) A county may authorize the use of temporary structures established  
30 in connection with the agri-tourism or other commercial events or activities

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

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

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

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

20 “215.283. (1) The following uses may be established in any area zoned for  
21 exclusive farm use:

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

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

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

29 “(d) A dwelling on real property used for farm use if the dwelling is oc-  
30 cupied by a relative of the farm operator or the farm operator’s spouse,

1 which means a child, parent, stepparent, grandchild, grandparent,  
2 stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either,  
3 if the farm operator does or will require the assistance of the relative in the  
4 management of the farm use and the dwelling is located on the same lot or  
5 parcel as the dwelling of the farm operator. Notwithstanding ORS 92.010 to  
6 92.192 or the minimum lot or parcel size requirements under ORS 215.780, if  
7 the owner of a dwelling described in this paragraph obtains construction fi-  
8 nancing or other financing secured by the dwelling and the secured party  
9 forecloses on the dwelling, the secured party may also foreclose on the  
10 homesite, as defined in ORS 308A.250, and the foreclosure shall operate as  
11 a partition of the homesite to create a new parcel.

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

14 “(f) Operations for the exploration for and production of geothermal re-  
15 sources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005,  
16 including the placement and operation of compressors, separators and other  
17 customary production equipment for an individual well adjacent to the  
18 wellhead. Any activities or construction relating to such operations shall not  
19 be a basis for an exception under ORS 197.732 (2)(a) or (b).

20 “(g) Operations for the exploration for minerals as defined by ORS  
21 517.750. Any activities or construction relating to such operations shall not  
22 be a basis for an exception under ORS 197.732 (2)(a) or (b).

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

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

30 “(j) Temporary public road and highway detours that will be abandoned

1 and restored to original condition or use at such time as no longer needed.

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

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

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

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

12 “(o) Farm stands if:

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

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

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

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

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

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

30 “(D) Has a heating system; and

1 “(E) In the case of replacement:

2 “(i) Is removed, demolished or converted to an allowable nonresidential  
3 use within three months of the completion of the replacement dwelling. A  
4 replacement dwelling may be sited on any part of the same lot or parcel. A  
5 dwelling established under this paragraph shall comply with all applicable  
6 siting standards. However, the standards shall not be applied in a manner  
7 that prohibits the siting of the dwelling. If the dwelling to be replaced is  
8 located on a portion of the lot or parcel not zoned for exclusive farm use,  
9 the applicant, as a condition of approval, shall execute and record in the  
10 deed records for the county where the property is located a deed restriction  
11 prohibiting the siting of a dwelling on that portion of the lot or parcel. The  
12 restriction imposed shall be irrevocable unless a statement of release is  
13 placed in the deed records for the county. The release shall be signed by the  
14 county or its designee and state that the provisions of this paragraph re-  
15 garding replacement dwellings have changed to allow the siting of another  
16 dwelling. The county planning director or the director’s designee shall  
17 maintain a record of the lots and parcels that do not qualify for the siting  
18 of a new dwelling under the provisions of this paragraph, including a copy  
19 of the deed restrictions and release statements filed under this paragraph;  
20 and

21 “(ii) For which the applicant has requested a deferred replacement permit,  
22 is removed or demolished within three months after the deferred replacement  
23 permit is issued. A deferred replacement permit allows construction of the  
24 replacement dwelling at any time. If, however, the established dwelling is  
25 not removed or demolished within three months after the deferred replace-  
26 ment permit is issued, the permit becomes void. The replacement dwelling  
27 must comply with applicable building codes, plumbing codes, sanitation codes  
28 and other requirements relating to health and safety or to siting at the time  
29 of construction. A deferred replacement permit may not be transferred, by  
30 sale or otherwise, except by the applicant to the spouse or a child of the

1 applicant.

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

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

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

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

30 “(u) Utility facility service lines. Utility facility service lines are utility

1 lines and accessory facilities or structures that end at the point where the  
2 utility service is received by the customer and that are located on one or  
3 more of the following:

4 “(A) A public right of way;

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

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

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

16 “(w) A county law enforcement facility that lawfully existed on August  
17 20, 2002, and is used to provide rural law enforcement services primarily in  
18 rural areas, including parole and post-prison supervision, but not including  
19 a correctional facility as defined under ORS 162.135.

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

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

25 “(B) The number of dogs participating in a testing trial does not exceed  
26 60 and the number of testing trials to be conducted on-site is limited to four  
27 or fewer trials per calendar year.

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

1 “(a) Commercial activities that are in conjunction with farm use, includ-  
2 ing the processing of farm crops into biofuel not permitted under ORS  
3 215.203 (2)(b)(K) or subsection (1)(r) of this section.

4 “(b) Operations conducted for:

5 “(A) Mining and processing of geothermal resources as defined by ORS  
6 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted  
7 under subsection (1)(f) of this section;

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

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

12 “(D) Processing of other mineral resources and other subsurface re-  
13 sources.

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

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

29 “(e) Community centers owned by a governmental agency or a nonprofit  
30 community organization and operated primarily by and for residents of the



1 local rural community. A community center authorized under this paragraph  
2 may provide services to veterans, including but not limited to emergency and  
3 transitional shelter, preparation and service of meals, vocational and educa-  
4 tional counseling and referral to local, state or federal agencies providing  
5 medical, mental health, disability income replacement and substance abuse  
6 services, only in a facility that is in existence on January 1, 2006. The ser-  
7 vices may not include direct delivery of medical, mental health, disability  
8 income replacement or substance abuse services.

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

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

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

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

26 “(j) A facility for the primary processing of forest products, provided that  
27 such facility is found to not seriously interfere with accepted farming prac-  
28 tices and is compatible with farm uses described in ORS 215.203 (2). Such a  
29 facility may be approved for a one-year period which is renewable. These  
30 facilities are intended to be only portable or temporary in nature. The pri-

1 mary processing of a forest product, as used in this section, means the use  
2 of a portable chipper or stud mill or other similar methods of initial treat-  
3 ment of a forest product in order to enable its shipment to market. Forest  
4 products, as used in this section, means timber grown upon a parcel of land  
5 or contiguous land where the primary processing facility is located.

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

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

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

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

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

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

27 “(p) The propagation, cultivation, maintenance and harvesting of aquatic  
28 species that are not under the jurisdiction of the State Fish and Wildlife  
29 Commission or insect species. Insect species shall not include any species  
30 under quarantine by the State Department of Agriculture or the United

1 States Department of Agriculture. The county shall provide notice of all  
2 applications under this paragraph to the State Department of Agriculture.  
3 Notice shall be provided in accordance with the county's land use regu-  
4 lations but shall be mailed at least 20 calendar days prior to any adminis-  
5 trative decision or initial public hearing on the application.

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

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

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

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

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

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

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

25 “(x) A living history museum related to resource based activities owned  
26 and operated by a governmental agency or a local historical society, together  
27 with limited commercial activities and facilities that are directly related to  
28 the use and enjoyment of the museum and located within authentic buildings  
29 of the depicted historic period or the museum administration building, if  
30 areas other than an exclusive farm use zone cannot accommodate the mu-

1 seum and related activities or if the museum administration buildings and  
2 parking lot are located within one quarter mile of an urban growth bound-  
3 ary. As used in this paragraph:

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

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

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

14 “(z) A landscape contracting business, as defined in ORS 671.520, or a  
15 business providing landscape architecture services, as described in ORS  
16 671.318, if the business is pursued in conjunction with the growing and  
17 marketing of nursery stock on the land that constitutes farm use.

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

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

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

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

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

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

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

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

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

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

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

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

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

25       “(i) Planned hours of operation;

26       “(ii) Access, egress and parking;

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

29       “(iv) Sanitation and solid waste.

30       “(b) In the alternative to paragraphs (a) and (c) of this subsection, a

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

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

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

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

14 “(D) May not include the artificial amplification of music or voices before  
15 8 a.m. or after 8 p.m.;

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

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

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

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

30 “(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  
3 occupied in connection with the agri-tourism or other commercial events or  
4 activities;  
5       “(D) Must comply with ORS 215.296;  
6       “(E) May not, in combination with other agri-tourism or other commercial  
7 events or activities authorized in the area, materially alter the stability of  
8 the land use pattern in the area; and  
9       “(F) Must comply with conditions established for:  
10       “(i) The types of agri-tourism or other commercial events or activities  
11 that are authorized during each calendar year, including the number and  
12 duration of the agri-tourism or other commercial events and activities, the  
13 anticipated daily attendance and the hours of operation;  
14       “(ii) The location of existing structures and the location of proposed  
15 temporary structures to be used in connection with the agri-tourism or other  
16 commercial events or activities;  
17       “(iii) The location of access and egress and parking facilities to be used  
18 in connection with the agri-tourism or other commercial events or activities;  
19       “(iv) Traffic management, including the projected number of vehicles and  
20 any anticipated use of public roads; and  
21       “(v) Sanitation and solid waste.  
22       “(d) In addition to paragraphs (a) to (c) of this subsection, a county may  
23 authorize agri-tourism or other commercial events or activities that occur  
24 more frequently or for a longer period or that do not otherwise comply with  
25 paragraphs (a) to (c) of this subsection if the agri-tourism or other commer-  
26 cial events or activities comply with any local standards that apply and the  
27 agri-tourism or other commercial events or activities:  
28       “(A) Are incidental and subordinate to existing commercial farm use of  
29 the tract and are necessary to support the commercial farm uses or the  
30 commercial agricultural enterprises in the area;

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

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

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

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

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

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

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

15 “(a) A county may authorize the use of temporary structures established  
16 in connection with the agri-tourism or other commercial events or activities  
17 authorized under subsection (4) of this section. However, the temporary  
18 structures must be removed at the end of the agri-tourism or other event or  
19 activity. The county may not approve an alteration to the land in connection  
20 with an agri-tourism or other commercial event or activity authorized under  
21 subsection (4) of this section, including, but not limited to, grading, filling  
22 or paving.

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

29 “(c) The authorizations provided by subsection (4) of this section are in  
30 addition to other authorizations that may be provided by law, except that



1 'outdoor mass gathering' and 'other gathering,' as those terms are used in  
2 ORS 197.015 (10)(d), do not include agri-tourism or other commercial events  
3 and activities.

4 **“SECTION 3. (1) The amendments to ORS 215.213 by section 1 of this**  
5 **2013 Act do not apply to any landfill that is a site for the disposal of**  
6 **solid waste approved by the governing body of a city or county or both**  
7 **and for which a permit has been granted under ORS 459.245 by the**  
8 **Department of Environmental Quality before the effective date of this**  
9 **2013 Act. In addition to the authority to continue, alter, restore or**  
10 **replace a use pursuant to ORS 215.130, a landfill described in this**  
11 **subsection that existed on the effective date of this 2013 Act may be**  
12 **expanded on land that was part of the tract on the effective date of**  
13 **this 2013 Act.**

14 **“(2) The amendments to ORS 215.283 by section 2 of this 2013 Act**  
15 **do not apply to any landfill that is a site for the disposal of solid waste**  
16 **approved by the governing body of a city or county or both and for**  
17 **which a permit has been granted under ORS 459.245 by the Department**  
18 **of Environmental Quality before the effective date of this 2013 Act. In**  
19 **addition to the authority to continue, alter, restore or replace a use**  
20 **pursuant to ORS 215.130, a landfill described in this subsection that**  
21 **existed on the effective date of this 2013 Act may be expanded on land**  
22 **that was part of the tract on the effective date of this 2013 Act.”.**

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