

A-Engrossed
House Bill 4092

Ordered by the House February 15
Including House Amendments dated February 15

Sponsored by Representatives LEWIS, VIAL, Senator GIROD; Representatives BARRETO, BOONE, DOHERTY, ESQUIVEL, HELFRICH, LIVELY, MCKEOWN, MEEK, NEARMAN, NOBLE, OLSON, POST, RESCHKE, WHISNANT, WILSON, WITT, Senators BENTZ, BEYER, BOQUIST, ROBLAN, THOMSEN (Presession filed.)

SUMMARY

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

Establishes standards for expansion of state airport on land zoned for exclusive farm use.
Directs Oregon Homeland Security Council to prioritize state airports for resiliency investments.

A BILL FOR AN ACT

Relating to state airports; creating new provisions; and amending ORS 215.283.

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

SECTION 1. (1) As used in this section:

(a) "Runway area" means a runway, taxiway, safety area or runway protection zone.

(b) "State airport" means an airport or air navigation facility owned or controlled by the State of Oregon.

(2) If a state airport has at least 350 based aircraft, as reported to the Federal Aviation Administration, then the Oregon Department of Aviation, as authorized by the State Aviation Board and the county in which the state airport is located, may extend a state airport runway area on land not zoned for a state airport, including land zoned for exclusive farm use, subject to subsection (3) of this section.

(3)(a) Notwithstanding ORS 215.296 (1), if the extension of a state airport runway area will be placed on land zoned for exclusive farm use, a local planning body shall approve the extension of the state airport runway area under this section unless, after a public hearing, the body finds that:

(A) The extension will cause significant impacts in existing farm practices on surrounding lands zoned for and dedicated to farm use; or

(B) The extension will impose significant adverse effects to public health, safety or welfare of individuals working or residing in the area.

(b) Notwithstanding ORS 215.296 (2), a local planning body may impose only those conditions on the extension of the state airport runway area upon an area zoned for exclusive farm use that are necessary to address the conditions under paragraph (a)(A) and (B) of this subsection.

(4) A state airport runway area extension under this section may include new or expanded ground-based navigation facilities and related navigation equipment and any fencing

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

1 required for airport safety or security.

2 **SECTION 2.** (1) A local government shall amend its comprehensive plan and land use
3 regulations as appropriate to conform to the provisions of section 1 of this 2018 Act.

4 (2) Notwithstanding ORS 197.251 and 836.610, a local government amending its compre-
5 hensive plan or land use regulations under this section or approving a state airport runway
6 area extension is not:

7 (a) Subject to the post-acknowledgement procedures under ORS 197.610 to 197.651;

8 (b) Required to demonstrate compliance with any statewide planning goal; or

9 (c) Required to obtain an exception to any statewide planning goal.

10 **SECTION 3.** ORS 215.283 is amended to read:

11 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

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

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

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

18 (A) ORS 215.275; or

19 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and
20 469.300.

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

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

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

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

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

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

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

3 (k) Minor betterment of existing public road and highway related facilities such as maintenance
4 yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous
5 public-owned property 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 the existing dwelling has
8 been listed in a county inventory as historic property as defined in ORS 358.480.

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

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

11 (o) Farm stands if:

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

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

21 (p) Subject to section 2, chapter 462, Oregon Laws 2013, alteration, restoration or replacement
22 of a lawfully established dwelling.

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

34 (r) A facility for the processing of farm crops or for the production of biofuel, as defined in ORS
35 315.141, if the facility is located on a farm operation that provides at least one-quarter of the farm
36 crops processed at the facility, or an establishment for the slaughter, processing or selling of poultry
37 or poultry products pursuant to ORS 603.038. If a building is established or used for the processing
38 facility or establishment, the farm operator may not devote more than 10,000 square feet of floor
39 area to the processing facility or establishment, exclusive of the floor area designated for prepara-
40 tion, storage or other farm use. A processing facility or establishment must comply with all appli-
41 cable siting standards but the standards may not be applied in a manner that prohibits the siting
42 of the processing facility or establishment.

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

44 (t) Irrigation reservoirs, canals, delivery lines and those structures and accessory operational
45 facilities, not including parks or other recreational structures and facilities, associated with a dis-

1 trict as defined in ORS 540.505.

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

5 (A) A public right of way;

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

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

9 (v) Subject to the issuance of a license, permit or other approval by the Department of Envi-
10 ronmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with
11 rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land application
12 of reclaimed water, agricultural or industrial process water or biosolids, or the onsite treatment of
13 septage prior to the land application of biosolids, for agricultural, horticultural or silvicultural pro-
14 duction, or for irrigation in connection with a use allowed in an exclusive farm use zone under this
15 chapter. For the purposes of this paragraph, onsite treatment of septage prior to the land application
16 of biosolids is limited to treatment using treatment facilities that are portable, temporary and
17 transportable by truck trailer, as defined in ORS 801.580, during a period of time within which land
18 application of biosolids is authorized under the license, permit or other approval.

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

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

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

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

28 (y) A cider business, as described in ORS 215.451.

29 **(z) A state airport runway area extension, as described in section 1 of this 2018 Act.**

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

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

34 (b) Operations conducted for:

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

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

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

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

41 (c) Private parks, playgrounds, hunting and fishing preserves and campgrounds. Subject to the
42 approval of the county governing body or its designee, a private campground may provide yurts for
43 overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller,
44 may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent
45 foundation. Upon request of a county governing body, the Land Conservation and Development

1 Commission may provide by rule for an increase in the number of yurts allowed on all or a portion
2 of the campgrounds in a county if the commission determines that the increase will comply with the
3 standards described in ORS 215.296 (1). As used in this paragraph, “yurt” means a round, domed
4 shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hookup or
5 internal cooking appliance.

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

8 (e) Community centers owned by a governmental agency or a nonprofit community organization
9 and operated primarily by and for residents of the local rural community. A community center au-
10 thorized under this paragraph may provide services to veterans, including but not limited to emer-
11 gency and transitional shelter, preparation and service of meals, vocational and educational
12 counseling and referral to local, state or federal agencies providing medical, mental health, disability
13 income replacement and substance abuse services, only in a facility that is in existence on January
14 1, 2006. The services may not include direct delivery of medical, mental health, disability income
15 replacement or substance abuse services.

16 (f) Golf courses on land:

17 (A) Determined not to be high-value farmland, as defined in ORS 195.300 (10); or

18 (B) Determined to be high-value farmland described in ORS 195.300 (10)(c) if the land:

19 (i) Is not otherwise described in ORS 195.300 (10);

20 (ii) Is surrounded on all sides by an approved golf course; and

21 (iii) Is west of U.S. Highway 101.

22 (g) Commercial utility facilities for the purpose of generating power for public use by sale. If the
23 area zoned for exclusive farm use is high-value farmland, a photovoltaic solar power generation fa-
24 cility may be established as a commercial utility facility as provided in ORS 215.447.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (B) "Local historical society" means the local historical society recognized by the county gov-

1 erning body and organized under ORS chapter 65.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 (G) The agri-tourism or other commercial event or activity complies with conditions established
36 for:

37 (i) Planned hours of operation;

38 (ii) Access, egress and parking;

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

41 (iv) Sanitation and solid waste.

42 (b) In the alternative to paragraphs (a) and (c) of this subsection, a county may authorize,
43 through an expedited, single-event license, a single agri-tourism or other commercial event or ac-
44 tivity on a tract in a calendar year by an expedited, single-event license that is personal to the ap-
45 plicant and is not transferred by, or transferable with, a conveyance of the tract. A decision

1 concerning an expedited, single-event license is not a land use decision, as defined in ORS 197.015.
2 To approve an expedited, single-event license, the governing body of a county or its designee must
3 determine that the proposed agri-tourism or other commercial event or activity meets any local
4 standards that apply, and the agri-tourism or other commercial event or activity:

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

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

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

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

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

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

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

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

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

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

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

23 (D) Must comply with ORS 215.296;

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

26 (F) Must comply with conditions established for:

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

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

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

34 (iv) Traffic management, including the projected number of vehicles and any anticipated use of
35 public roads; and

36 (v) Sanitation and solid waste.

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

42 (A) Are incidental and subordinate to existing commercial farm use of the tract and are neces-
43 sary to support the commercial farm uses or the commercial agricultural enterprises in the area;

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

45 (C) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size;

1 and

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

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

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

8 (b) Limit its review to events and activities authorized by the permit, conformance with condi-
9 tions of approval required by the permit and the standards established by subsection (4)(d) of this
10 section.

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

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

18 (b) The county may issue the limited use permits authorized by subsection (4)(c) of this section
19 for two calendar years. When considering an application for renewal, the county shall ensure com-
20 pliance with the provisions of subsection (4)(c) of this section, any local standards that apply and
21 conditions that apply to the permit or to the agri-tourism or other commercial events or activities
22 authorized by the permit.

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

27 **SECTION 4.** ORS 215.283, as amended by section 8, chapter 462, Oregon Laws 2013, section 4,
28 chapter 148, Oregon Laws 2017, section 6, chapter 253, Oregon Laws 2017, section 2, chapter 393,
29 Oregon Laws 2017, and section 6, chapter 504, Oregon Laws 2017, is amended to read:

30 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

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

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

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

37 (A) ORS 215.275; or

38 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and
39 469.300.

40 (d) A dwelling on real property used for farm use if the dwelling is occupied by a relative of the
41 farm operator or the farm operator’s spouse, which means a child, parent, stepparent, grandchild,
42 grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, if the farm
43 operator does or will require the assistance of the relative in the management of the farm use and
44 the dwelling is located on the same lot or parcel as the dwelling of the farm operator.
45 Notwithstanding ORS 92.010 to 92.192 or the minimum lot or parcel size requirements under ORS

1 215.780, if the owner of a dwelling described in this paragraph obtains construction financing or
2 other financing secured by the dwelling and the secured party forecloses on the dwelling, the se-
3 cured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure
4 shall operate as a partition of the homesite to create a new parcel.

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

7 (f) Operations for the exploration for and production of geothermal resources as defined by ORS
8 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of
9 compressors, separators and other customary production equipment for an individual well adjacent
10 to the wellhead. Any activities or construction relating to such operations shall not be a basis for
11 an exception under ORS 197.732 (2)(a) or (b).

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

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

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

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

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

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

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

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

30 (o) Farm stands if:

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

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

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

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

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

44 (C) Has interior wiring for interior lights;

45 (D) Has a heating system; and

1 (E) In the case of replacement:

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

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

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

35 (r) A facility for the processing of farm crops or for the production of biofuel, as defined in ORS
36 315.141, if the facility is located on a farm operation that provides at least one-quarter of the farm
37 crops processed at the facility, or an establishment for the slaughter, processing or selling of poultry
38 or poultry products pursuant to ORS 603.038. If a building is established or used for the processing
39 facility or establishment, the farm operator may not devote more than 10,000 square feet of floor
40 area to the processing facility or establishment, exclusive of the floor area designated for prepara-
41 tion, storage or other farm use. A processing facility or establishment must comply with all appli-
42 cable siting standards but the standards may not be applied in a manner that prohibits the siting
43 of the processing facility or establishment.

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

45 (t) Irrigation reservoirs, canals, delivery lines and those structures and accessory operational

1 facilities, not including parks or other recreational structures and facilities, associated with a dis-
2 trict as defined in ORS 540.505.

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

6 (A) A public right of way;

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

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

10 (v) Subject to the issuance of a license, permit or other approval by the Department of Envi-
11 ronmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with
12 rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land application
13 of reclaimed water, agricultural or industrial process water or biosolids, or the onsite treatment of
14 septage prior to the land application of biosolids, for agricultural, horticultural or silvicultural pro-
15 duction, or for irrigation in connection with a use allowed in an exclusive farm use zone under this
16 chapter. For the purposes of this paragraph, onsite treatment of septage prior to the land application
17 of biosolids is limited to treatment using treatment facilities that are portable, temporary and
18 transportable by truck trailer, as defined in ORS 801.580, during a period of time within which land
19 application of biosolids is authorized under the license, permit or other approval.

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

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

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

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

29 (y) A cider business, as described in ORS 215.451.

30 **(z) A state airport runway area extension, as described in section 1 of this 2018 Act.**

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

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

35 (b) Operations conducted for:

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

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

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

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

42 (c) Private parks, playgrounds, hunting and fishing preserves and campgrounds. Subject to the
43 approval of the county governing body or its designee, a private campground may provide yurts for
44 overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller,
45 may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent

1 foundation. Upon request of a county governing body, the Land Conservation and Development
 2 Commission may provide by rule for an increase in the number of yurts allowed on all or a portion
 3 of the campgrounds in a county if the commission determines that the increase will comply with the
 4 standards described in ORS 215.296 (1). As used in this paragraph, “yurt” means a round, domed
 5 shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hookup or
 6 internal cooking appliance.

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

9 (e) Community centers owned by a governmental agency or a nonprofit community organization
 10 and operated primarily by and for residents of the local rural community. A community center au-
 11 thorized under this paragraph may provide services to veterans, including but not limited to emer-
 12 gency and transitional shelter, preparation and service of meals, vocational and educational
 13 counseling and referral to local, state or federal agencies providing medical, mental health, disability
 14 income replacement and substance abuse services, only in a facility that is in existence on January
 15 1, 2006. The services may not include direct delivery of medical, mental health, disability income
 16 replacement or substance abuse services.

17 (f) Golf courses on land:

18 (A) Determined not to be high-value farmland, as defined in ORS 195.300 (10); or

19 (B) Determined to be high-value farmland described in ORS 195.300 (10)(c) if the land:

20 (i) Is not otherwise described in ORS 195.300 (10);

21 (ii) Is surrounded on all sides by an approved golf course; and

22 (iii) Is west of U.S. Highway 101.

23 (g) Commercial utility facilities for the purpose of generating power for public use by sale. If the
 24 area zoned for exclusive farm use is high-value farmland, a photovoltaic solar power generation fa-
 25 cility may be established as a commercial utility facility as provided in ORS 215.447.

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

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

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

44 (k) A site for the disposal of solid waste approved by the governing body of a city or county or
 45 both and for which a permit has been granted under ORS 459.245 by the Department of Environ-

1 mental Quality together with equipment, facilities or buildings necessary for its operation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (G) The agri-tourism or other commercial event or activity complies with conditions established
37 for:

38 (i) Planned hours of operation;

39 (ii) Access, egress and parking;

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

42 (iv) Sanitation and solid waste.

43 (b) In the alternative to paragraphs (a) and (c) of this subsection, a county may authorize,
44 through an expedited, single-event license, a single agri-tourism or other commercial event or ac-
45 tivity on a tract in a calendar year by an expedited, single-event license that is personal to the ap-

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

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

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

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

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

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

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

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

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

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

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

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

24 (D) Must comply with ORS 215.296;

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

27 (F) Must comply with conditions established for:

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

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

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

35 (iv) Traffic management, including the projected number of vehicles and any anticipated use of
36 public roads; and

37 (v) Sanitation and solid waste.

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

43 (A) Are incidental and subordinate to existing commercial farm use of the tract and are neces-
44 sary to support the commercial farm uses or the commercial agricultural enterprises in the area;

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

1 (C) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size;
2 and

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

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

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

9 (b) Limit its review to events and activities authorized by the permit, conformance with condi-
10 tions of approval required by the permit and the standards established by subsection (4)(d) of this
11 section.

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

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

19 (b) The county may issue the limited use permits authorized by subsection (4)(c) of this section
20 for two calendar years. When considering an application for renewal, the county shall ensure com-
21 pliance with the provisions of subsection (4)(c) of this section, any local standards that apply and
22 conditions that apply to the permit or to the agri-tourism or other commercial events or activities
23 authorized by the permit.

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

28 **SECTION 5. The Oregon Homeland Security Council shall consider a state airport, as**
29 **defined in section 1 of this 2018 Act, to be a critical emergency preparedness, response, re-**
30 **covery and resiliency platform and shall prioritize state airports for resiliency investments.**

31 **SECTION 6. Section 2 of this 2018 Act is repealed on June 30, 2028.**

32