

House Bill 4092

Sponsored by Representatives LEWIS, VIAL, Senator GIROD; Representatives BARRETO, BOONE, DOHERTY, ESQUIVEL, EVANS, HELFRICH, LIVELY, MCKEOWN, MEEK, NEARMAN, NOBLE, OLSON, POST, RESCHKE, SOLLMAN, STARK, WHISNANT, WILSON, WITT, Senators BENTZ, BEYER, BOQUIST, ROBLAN, THOMSEN (Pre-session 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 **as introduced**.

Establishes standards for expansion of state airport on land zoned for exclusive farm use.

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, access road, 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, the Oregon Department of Aviation, as authorized by the State Aviation Board, may extend a state airport runway area on land zoned for exclusive farm use under ORS 215.283 (1)(z).**

(3) **A state airport runway area extension under this section may include new or expanded facilities for aviation-related equipment that support runway areas.**

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

(2) **Notwithstanding ORS 197.251 and 836.610, a local government amending its land use regulations under this section or approving a state airport runway area extension is not:**

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

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

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

SECTION 3. ORS 215.283 is amended to read:

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

(a) Churches and cemeteries in conjunction with churches.

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

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

(A) ORS 215.275; or

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 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and
 2 469.300.

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

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

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

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

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

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

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

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

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

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

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

38 (o) Farm stands if:

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

45 (B) The farm stand does not include structures designed for occupancy as a residence or for

1 activity other than the sale of farm crops or livestock and does not include structures for banquets,
2 public gatherings or public entertainment.

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

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

16 (r) A facility for the processing of farm crops or for the production of biofuel, as defined in ORS
17 315.141, if the facility is located on a farm operation that provides at least one-quarter of the farm
18 crops processed at the facility, or an establishment for the slaughter, processing or selling of poultry
19 or poultry products pursuant to ORS 603.038. If a building is established or used for the processing
20 facility or establishment, the farm operator may not devote more than 10,000 square feet of floor
21 area to the processing facility or establishment, exclusive of the floor area designated for prepara-
22 tion, storage or other farm use. A processing facility or establishment must comply with all appli-
23 cable siting standards but the standards may not be applied in a manner that prohibits the siting
24 of the processing facility or establishment.

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

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

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

32 (A) A public right of way;

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

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

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

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

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

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

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

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

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

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

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

16 (b) Operations conducted for:

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

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

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

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

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

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

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

43 (f) Golf courses on land:

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

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

- 1 (i) Is not otherwise described in ORS 195.300 (10);
- 2 (ii) Is surrounded on all sides by an approved golf course; and
- 3 (iii) Is west of U.S. Highway 101.

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

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

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

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

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

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

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

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

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

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

41 (p) The propagation, cultivation, maintenance and harvesting of aquatic species that are not
 42 under the jurisdiction of the State Fish and Wildlife Commission or insect species. Insect species
 43 shall not include any species under quarantine by the State Department of Agriculture or the United
 44 States Department of Agriculture. The county shall provide notice of all applications under this
 45 paragraph to the State Department of Agriculture. Notice shall be provided in accordance with the

1 county's land use regulations but shall be mailed at least 20 calendar days prior to any administra-
2 tive decision or initial public hearing on the application.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (i) Planned hours of operation;

20 (ii) Access, egress and parking;

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

23 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

1 for two calendar years. When considering an application for renewal, the county shall ensure com-
 2 pliance with the provisions of subsection (4)(c) of this section, any local standards that apply and
 3 conditions that apply to the permit or to the agri-tourism or other commercial events or activities
 4 authorized by the permit.

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

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

12 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

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

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

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

19 (A) ORS 215.275; or

20 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and
 21 469.300.

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

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

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

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

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

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

1 would occur, or no new land parcels result.

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

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

8 (L) A replacement dwelling to be used in conjunction with farm use if the existing dwelling has
9 been listed in a county inventory as historic property 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 livestock grown on the
14 farm operation, or grown on the farm operation and other farm operations in the local agricultural
15 area, including the sale of retail incidental items and fee-based activity to promote the sale of farm
16 crops or livestock sold at the farm stand if the annual sale of incidental items and fees from pro-
17 motional activity do not make up more than 25 percent of the total annual sales of the farm stand;
18 and

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

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

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

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

26 (C) Has interior wiring for interior lights;

27 (D) Has a heating system; and

28 (E) In the case of replacement:

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

43 (ii) For which the applicant has requested a deferred replacement permit, is removed or demol-
44 ished within three months after the deferred replacement permit is issued. A deferred replacement
45 permit allows construction of the replacement dwelling at any time. If, however, the established

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

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

17 (r) A facility for the processing of farm crops or for the production of biofuel, as defined in ORS
 18 315.141, if the facility is located on a farm operation that provides at least one-quarter of the farm
 19 crops processed at the facility, or an establishment for the slaughter, processing or selling of poultry
 20 or poultry products pursuant to ORS 603.038. If a building is established or used for the processing
 21 facility or establishment, the farm operator may not devote more than 10,000 square feet of floor
 22 area to the processing facility or establishment, exclusive of the floor area designated for prepara-
 23 tion, storage or other farm use. A processing facility or establishment must comply with all appli-
 24 cable siting standards but the standards may not be applied in a manner that prohibits the siting
 25 of the processing facility or establishment.

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

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

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

33 (A) A public right of way;

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

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

37 (v) Subject to the issuance of a license, permit or other approval by the Department of Envi-
 38 ronmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with
 39 rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land application
 40 of reclaimed water, agricultural or industrial process water or biosolids, for the onsite treatment
 41 of septage prior to the land application of biosolids, for agricultural, horticultural or silvicultural
 42 production, or for irrigation in connection with a use allowed in an exclusive farm use zone under
 43 this chapter. For the purposes of this paragraph, onsite treatment of septage prior to the land ap-
 44 plication of biosolids is limited to treatment using treatment facilities that are portable, temporary
 45 and transportable by truck trailer, as defined in ORS 801.580, during a period of time within which

1 land application of biosolids is authorized under the license, permit or other approval.

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

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

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

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

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

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

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

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

17 (b) Operations conducted for:

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

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

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

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

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

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

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

44 (f) Golf courses on land:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 (p) The propagation, cultivation, maintenance and harvesting of aquatic species that are not
43 under the jurisdiction of the State Fish and Wildlife Commission or insect species. Insect species
44 shall not include any species under quarantine by the State Department of Agriculture or the United
45 States Department of Agriculture. The county shall provide notice of all applications under this

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (4) The following agri-tourism and other commercial events or activities that are related to and

1 supportive of agriculture may be established in any area zoned for exclusive farm use:

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

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

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

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

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

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

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

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

20 (i) Planned hours of operation;

21 (ii) Access, egress and parking;

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

24 (iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

1 local standards that apply, and the agri-tourism or other commercial events or activities:

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

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

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

6 (D) Must comply with ORS 215.296;

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

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

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

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

19 (v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

10 **SECTION 5. Section 2 of this 2018 Act is repealed on June 30, 2028.**

11