

SENATE AMENDMENTS TO SENATE BILL 1533

By COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

February 15

- 1 On page 1 of the printed bill, line 2, after “ORS” insert “215.213 and”.
- 2 Delete lines 5 through 30 and delete pages 2 through 18 and insert:
- 3 “**SECTION 1.** ORS 215.213 is amended to read:
- 4 “215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991
- 5 Edition), the following uses may be established in any area zoned for exclusive farm use:
- 6 “(a) Churches and cemeteries in conjunction with churches.
- 7 “(b) The propagation or harvesting of a forest product.
- 8 “(c) Utility facilities necessary for public service, including wetland waste treatment systems
- 9 but not including commercial facilities for the purpose of generating electrical power for public use
- 10 by sale or transmission towers over 200 feet in height. A utility facility necessary for public service
- 11 may be established as provided in:
- 12 “(A) ORS 215.275; or
- 13 “(B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and
- 14 469.300.
- 15 “(d) A dwelling on real property used for farm use if the dwelling is occupied by a relative of
- 16 the farm operator or the farm operator’s spouse, which means a child, parent, stepparent, grandchild,
- 17 grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, if the farm
- 18 operator does or will require the assistance of the relative in the management of the farm use and
- 19 the dwelling is located on the same lot or parcel as the dwelling of the farm operator.
- 20 Notwithstanding ORS 92.010 to 92.192 or the minimum lot or parcel size requirements under ORS
- 21 215.780, if the owner of a dwelling described in this paragraph obtains construction financing or
- 22 other financing secured by the dwelling and the secured party forecloses on the dwelling, the se-
- 23 cured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure
- 24 shall operate as a partition of the homesite to create a new parcel.
- 25 “(e) Nonresidential buildings customarily provided in conjunction with farm use.
- 26 “(f) Subject to ORS 215.279, primary or accessory dwellings customarily provided in conjunction
- 27 with farm use. For a primary dwelling, the dwelling must be on a lot or parcel that is managed as
- 28 part of a farm operation and is not smaller than the minimum lot size in a farm zone with a minimum
- 29 lot size acknowledged under ORS 197.251.
- 30 “(g) Operations for the exploration for and production of geothermal resources as defined by
- 31 ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of
- 32 compressors, separators and other customary production equipment for an individual well adjacent
- 33 to the wellhead. Any activities or construction relating to such operations shall not be a basis for
- 34 an exception under ORS 197.732 (2)(a) or (b).
- 35 “(h) Operations for the exploration for minerals as defined by ORS 517.750. Any activities or

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

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

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

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

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

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

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

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

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

26 “(q) Subject to section 2, chapter 462, Oregon Laws 2013, alteration, restoration or replacement
27 of a lawfully established dwelling.

28 “(r) Farm stands if:

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

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

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

41 “(t) A site for the takeoff and landing of model aircraft, including such buildings or facilities as
42 may reasonably be necessary. Buildings or facilities shall not be more than 500 square feet in floor
43 area or placed on a permanent foundation unless the building or facility preexisted the use approved
44 under this paragraph. The site shall not include an aggregate surface or hard surface area unless
45 the surface preexisted the use approved under this paragraph. An owner of property used for the

1 purpose authorized in this paragraph may charge a person operating the use on the property rent
2 for the property. An operator may charge users of the property a fee that does not exceed the
3 operator's cost to maintain the property, buildings and facilities. As used in this paragraph, 'model
4 aircraft' means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is
5 used or intended to be used for flight and is controlled by radio, lines or design by a person on the
6 ground.

7 “(u) A facility for the processing of farm crops or for the production of biofuel, as defined in
8 ORS 315.141, if the facility is located on a farm operation that provides at least one-quarter of the
9 farm crops processed at the facility, or an establishment for the slaughter, processing or selling of
10 poultry or poultry products pursuant to ORS 603.038. If a building is established or used for the
11 processing facility or establishment, the farm operator may not devote more than 10,000 square feet
12 of floor area to the processing facility or establishment, exclusive of the floor area designated for
13 preparation, storage or other farm use. A processing facility or establishment must comply with all
14 applicable siting standards but the standards may not be applied in a manner that prohibits the
15 siting of the processing facility or establishment.

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

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

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

23 “(A) A public right of way;

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

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

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

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

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

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

43 “(aa) A cider business, as described in ORS 215.451.

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

1 215.296:

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

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

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

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

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

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

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

20 “(d) Operations conducted for:

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

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

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

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

27 “(e) Community centers owned by a governmental agency or a nonprofit community organization
28 and operated primarily by and for residents of the local rural community, hunting and fishing pre-
29 serves, public and private parks, playgrounds and campgrounds. Subject to the approval of the
30 county governing body or its designee, a private campground may provide yurts for overnight
31 camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include
32 a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.
33 Upon request of a county governing body, the Land Conservation and Development Commission may
34 provide by rule for an increase in the number of yurts allowed on all or a portion of the
35 campgrounds in a county if the commission determines that the increase will comply with the stan-
36 dards described in ORS 215.296 (1). A public park or campground may be established as provided
37 under ORS 195.120. As used in this paragraph, ‘yurt’ means a round, domed shelter of cloth or can-
38 vas on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking appliance.

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

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

43 “(h) Personal-use airports for airplanes and helicopter pads, including associated hangar, main-
44 tenance and service facilities. A personal-use airport as used in this section means an airstrip re-
45 stricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional

1 basis, by invited guests, and by commercial aviation activities in connection with agricultural op-
2 erations. No aircraft may be based on a personal-use airport other than those owned or controlled
3 by the owner of the airstrip. Exceptions to the activities permitted under this definition may be
4 granted through waiver action by the Oregon Department of Aviation in specific instances. A
5 personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted sub-
6 ject to any applicable rules of the Oregon Department of Aviation.

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

15 “(j) A site for the disposal of solid waste approved by the governing body of a city or county
16 or both and for which a permit has been granted under ORS 459.245 by the Department of Envi-
17 ronmental Quality together with equipment, facilities or buildings necessary for its operation.

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

19 “(B) Dog training classes or testing trials that cannot be established under subsection (1)(z) of
20 this section.

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

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

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

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

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

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

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

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

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

42 “(u) A living history museum related to resource based activities owned and operated by a
43 governmental agency or a local historical society, together with limited commercial activities and
44 facilities that are directly related to the use and enjoyment of the museum and located within au-
45 thentic buildings of the depicted historic period or the museum administration building, if areas

1 other than an exclusive farm use zone cannot accommodate the museum and related activities or if
2 the museum administration buildings and parking lot are located within one quarter mile of the
3 metropolitan urban growth boundary. As used in this paragraph:

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

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

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

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

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

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

18 **“(z) Equine and equine-affiliated therapeutic and counseling activities, provided:**

19 **“(A) The activities are conducted in existing buildings that were lawfully constructed on**
20 **the property before the effective date of this 2018 Act or in new buildings that are accessory,**
21 **incidental and subordinate to the farm use on the tract; and**

22 **“(B) All individuals conducting therapeutic or counseling activities are acting within the**
23 **proper scope of any licenses required by the state.**

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

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

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

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

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

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

1 use;

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

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

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

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

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

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

23 “(7) Subsection (4) of this section applies to a lot or parcel lawfully created between January
24 1, 1948, and July 1, 1983. For the purposes of this section:

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

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

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

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

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

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

38 “(10) 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 appli-
42 cable 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 “(11) The following agri-tourism and other commercial events or activities that are related to

1 and 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
7 existing 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
11 not 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
43 to six agri-tourism or other commercial events or activities on a tract in a calendar year by a lim-
44 ited 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
14 be 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
18 of public roads; and

19 “(v) Sanitation and solid waste.

20 “(d) In addition to paragraphs (a) to (c) of this subsection, a county may 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 nec-
26 essary 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 “(12) A holder of a permit authorized by a county under subsection (11)(d) of this section must
32 request 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 con-
37 ditions of approval required by the permit and the standards established by subsection (11)(d) of this
38 section.

39 “(13) For the purposes of subsection (11) 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 (11) of this sec-
42 tion. However, the temporary structures must be removed at the end of the agri-tourism or other
43 event or activity. The county may not approve an alteration to the land in connection with an
44 agri-tourism or other commercial event or activity authorized under subsection (11) of this section,
45 including, but not limited to, grading, filling or paving.

1 “(b) The county may issue the limited use permits authorized by subsection (11)(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 (11)(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 (11) of this section are in addition to other au-
7 thorizations that may be provided by law, except that ‘outdoor mass gathering’ and ‘other
8 gathering,’ as those terms are used in ORS 197.015 (10)(d), do not include agri-tourism or other
9 commercial events and activities.

10 **“SECTION 2.** ORS 215.213, as amended by section 7, chapter 462, Oregon Laws 2013, section
11 2, chapter 148, Oregon Laws 2017, section 4, chapter 253, Oregon Laws 2017, and section 4, chapter
12 504, Oregon Laws 2017, is amended to read:

13 “215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991
14 Edition), the following uses may be established in any area zoned for exclusive farm use:

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

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

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

21 “(A) ORS 215.275; or

22 “(B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and
23 469.300.

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

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

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

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

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

1 (2)(a) or (b).

2 “(i) 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 paragraph (q) of this subsection.

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

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

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

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

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

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

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

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

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

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

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

30 “(D) Has a heating system; and

31 “(E) In the case of replacement:

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

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

9 “(r) Farm stands if:

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

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

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

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

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

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

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

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

4 “(A) A public right of way;

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

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

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

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

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

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

24 “(aa) A cider business, as described in ORS 215.451.

25 “(2) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),
26 the following uses may be established in any area zoned for exclusive farm use subject to ORS
27 215.296:

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

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

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

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

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

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

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

1 “(d) Operations conducted for:
2 “(A) Mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas
3 as defined by ORS 520.005, not otherwise permitted under subsection (1)(g) of this section;
4 “(B) Mining, crushing or stockpiling of aggregate and other mineral and other subsurface re-
5 sources subject to ORS 215.298;
6 “(C) Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement; and
7 “(D) Processing of other mineral resources and other subsurface resources.
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, hunting and fishing pre-
10 serves, public and private parks, playgrounds and campgrounds. Subject to the approval of the
11 county governing body or its designee, a private campground may provide yurts for overnight
12 camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include
13 a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.
14 Upon request of a county governing body, the Land Conservation and Development Commission may
15 provide by rule for an increase in the number of yurts allowed on all or a portion of the
16 campgrounds in a county if the commission determines that the increase will comply with the stan-
17 dards described in ORS 215.296 (1). A public park or campground may be established as provided
18 under ORS 195.120. As used in this paragraph, ‘yurt’ means a round, domed shelter of cloth or can-
19 vas on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking appliance.
20 “(f) Golf courses on land determined not to be high-value farmland as defined in ORS 195.300.
21 “(g) Commercial utility facilities for the purpose of generating power for public use by sale. If
22 the area zoned for exclusive farm use is high-value farmland, a photovoltaic solar power generation
23 facility may be established as a commercial utility facility as provided in ORS 215.447.
24 “(h) Personal-use airports for airplanes and helicopter pads, including associated hangar, main-
25 tenance and service facilities. A personal-use airport as used in this section means an airstrip re-
26 stricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional
27 basis, by invited guests, and by commercial aviation activities in connection with agricultural op-
28 erations. No aircraft may be based on a personal-use airport other than those owned or controlled
29 by the owner of the airstrip. Exceptions to the activities permitted under this definition may be
30 granted through waiver action by the Oregon Department of Aviation in specific instances. A
31 personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted sub-
32 ject to any applicable rules of the Oregon Department of Aviation.
33 “(i) A facility for the primary processing of forest products, provided that such facility is found
34 to not seriously interfere with accepted farming practices and is compatible with farm uses de-
35 scribed in ORS 215.203 (2). Such a facility may be approved for a one-year period which is
36 renewable. These facilities are intended to be only portable or temporary in nature. The primary
37 processing of a forest product, as used in this section, means the use of a portable chipper or stud
38 mill or other similar methods of initial treatment of a forest product in order to enable its shipment
39 to market. Forest products, as used in this section, means timber grown upon a parcel of land or
40 contiguous land where the primary processing facility is located.
41 “(j) A site for the disposal of solid waste approved by the governing body of a city or county
42 or both and for which a permit has been granted under ORS 459.245 by the Department of Envi-
43 ronmental Quality together with equipment, facilities or buildings necessary for its operation.
44 “(k)(A) Commercial dog boarding kennels; or
45 “(B) Dog training classes or testing trials that cannot be established under subsection (1)(z) of

1 this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 “(z) **Equine and equine-affiliated therapeutic and counseling activities, provided:**

45 “(A) **The activities are conducted in existing buildings that were lawfully constructed on**

1 **the property before the effective date of this 2018 Act or in new buildings that are accessory,**
2 **incidental and subordinate to the farm use on the tract; and**

3 **“(B) All individuals conducting therapeutic or counseling activities are acting within the**
4 **proper scope of any licenses required by the state.**

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

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

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

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

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

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

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

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

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

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

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

40 “(6) The notice required in subsection (5) of this section shall specify that persons have 15 days
41 following the date of postmark of the notice to file a written objection on the grounds only that the
42 dwelling or activities associated with it would force a significant change in or significantly increase
43 the cost of accepted farming practices on nearby lands devoted to farm use. If no objection is re-
44 ceived, the governing body or its designee shall approve or disapprove the application. If an ob-
45 jection is received, the governing body shall set the matter for hearing in the manner prescribed in

1 ORS 215.402 to 215.438. The governing body may charge the reasonable costs of the notice required
2 by subsection (5)(a) of this section to the applicant for the permit requested under subsection (4) of
3 this section.

4 “(7) Subsection (4) of this section applies to a lot or parcel lawfully created between January
5 1, 1948, and July 1, 1983. For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 “(i) Planned hours of operation;
2 “(ii) Access, egress and parking;
3 “(iii) A traffic management plan that identifies the projected number of vehicles and any antic-
4 ipated use of public roads; and
5 “(iv) Sanitation and solid waste.
6 “(b) In the alternative to paragraphs (a) and (c) of this subsection, a county may authorize,
7 through an expedited, single-event license, a single agri-tourism or other commercial event or ac-
8 tivity on a tract in a calendar year by an expedited, single-event license that is personal to the ap-
9 plicant and is not transferred by, or transferable with, a conveyance of the tract. A decision
10 concerning an expedited, single-event license is not a land use decision, as defined in ORS 197.015.
11 To approve an expedited, single-event license, the governing body of a county or its designee must
12 determine that the proposed agri-tourism or other commercial event or activity meets any local
13 standards that apply, and the agri-tourism or other commercial event or activity:
14 “(A) Must be incidental and subordinate to existing farm use on the tract;
15 “(B) May not begin before 6 a.m. or end after 10 p.m.;
16 “(C) May not involve more than 100 attendees or 50 vehicles;
17 “(D) May not include the artificial amplification of music or voices before 8 a.m. or after 8 p.m.;
18 “(E) May not require or involve the construction or use of a new permanent structure in con-
19 nection with the agri-tourism or other commercial event or activity;
20 “(F) Must be located on a tract of at least 10 acres unless the owners or residents of adjoining
21 properties consent, in writing, to the location; and
22 “(G) Must comply with applicable health and fire and life safety requirements.
23 “(c) In the alternative to paragraphs (a) and (b) of this subsection, a county may authorize up
24 to six agri-tourism or other commercial events or activities on a tract in a calendar year by a lim-
25 ited use permit that is personal to the applicant and is not transferred by, or transferable with, a
26 conveyance of the tract. The agri-tourism or other commercial events or activities must meet any
27 local standards that apply, and the agri-tourism or other commercial events or activities:
28 “(A) Must be incidental and subordinate to existing farm use on the tract;
29 “(B) May not, individually, exceed a duration of 72 consecutive hours;
30 “(C) May not require that a new permanent structure be built, used or occupied in connection
31 with the agri-tourism or other commercial events or activities;
32 “(D) Must comply with ORS 215.296;
33 “(E) May not, in combination with other agri-tourism or other commercial events or activities
34 authorized in the area, materially alter the stability of the land use pattern in the area; and
35 “(F) Must comply with conditions established for:
36 “(i) The types of agri-tourism or other commercial events or activities that are authorized during
37 each calendar year, including the number and duration of the agri-tourism or other commercial
38 events and activities, the anticipated daily attendance and the hours of operation;
39 “(ii) The location of existing structures and the location of proposed temporary structures to
40 be used in connection with the agri-tourism or other commercial events or activities;
41 “(iii) The location of access and egress and parking facilities to be used in connection with the
42 agri-tourism or other commercial events or activities;
43 “(iv) Traffic management, including the projected number of vehicles and any anticipated use
44 of public roads; and
45 “(v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

36 “**SECTION 3.** ORS 215.283 is amended to read:

37 “215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

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

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

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

44 “(A) ORS 215.275; or

45 “(B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and

1 469.300.

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

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

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

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

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

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

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

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

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

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

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

37 “(o) Farm stands if:

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

44 “(B) The farm stand does not include structures designed for occupancy as a residence or for
45 activity other than the sale of farm crops or livestock and does not include structures for banquets,

1 public gatherings or public entertainment.

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

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

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

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

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

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

31 “(A) A public right of way;

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

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

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

45 “(w) A county law enforcement facility that lawfully existed on August 20, 2002, and is used to

1 provide rural law enforcement services primarily in rural areas, including parole and post-prison
2 supervision, but not including a correctional facility as defined under ORS 162.135.

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

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

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

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

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

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

14 “(b) Operations conducted for:

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

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

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

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

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

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

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

41 “(f) Golf courses on land:

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

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

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

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

1 “(iii) Is west of U.S. Highway 101.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 **“(bb) Equine and equine-affiliated therapeutic and counseling activities, provided:**

37 **“(A) The activities are conducted in existing buildings that were lawfully constructed on**
38 **the property before the effective date of this 2018 Act or in new buildings that are accessory,**
39 **incidental and subordinate to the farm use on the tract; and**

40 **“(B) All individuals conducting therapeutic or counseling activities are acting within the**
41 **proper scope of any licenses required by the state.**

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

45 “(a) Adoption of an exception to the goal related to agricultural lands and to any other appli-

1 cable goal with which the facility or improvement does not comply; or

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

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

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

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

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

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

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

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

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

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

24 “(i) Planned hours of operation;

25 “(ii) Access, egress and parking;

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

28 “(iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

10 “(D) Must comply with ORS 215.296;

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

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

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

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

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

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

23 “(v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

44 “(a) A county may authorize the use of temporary structures established in connection with the
45 agri-tourism or other commercial events or activities authorized under subsection (4) of this section.

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

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

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

14 “**SECTION 4.** ORS 215.283, as amended by section 8, chapter 462, Oregon Laws 2013, section
15 4, chapter 148, Oregon Laws 2017, section 6, chapter 253, Oregon Laws 2017, section 2, chapter 393,
16 Oregon Laws 2017, and section 6, chapter 504, Oregon Laws 2017, is amended to read:

17 “215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

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

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

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

24 “(A) ORS 215.275; or

25 “(B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and
26 469.300.

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

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

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

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

1 (2)(a) or (b).

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

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

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

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

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

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

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

17 “(o) Farm stands if:

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

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

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

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

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

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

32 “(D) Has a heating system; and

33 “(E) In the case of replacement:

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

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

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

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

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

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

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

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

38 “(A) A public right of way;

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

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

42 “(v) Subject to the issuance of a license, permit or other approval by the Department of Envi-
43 ronmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with
44 rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land application
45 of reclaimed water, agricultural or industrial process water or biosolids, or the onsite treatment of

1 septage prior to the land application of biosolids, for agricultural, horticultural or silvicultural pro-
2 duction, or for irrigation in connection with a use allowed in an exclusive farm use zone under this
3 chapter. For the purposes of this paragraph, onsite treatment of septage prior to the land application
4 of biosolids is limited to treatment using treatment facilities that are portable, temporary and
5 transportable by truck trailer, as defined in ORS 801.580, during a period of time within which land
6 application of biosolids is authorized under the license, permit or other approval.

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

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

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

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

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

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

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

21 “(b) Operations conducted for:

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

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

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

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

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

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

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

1 1, 2006. The services may not include direct delivery of medical, mental health, disability income
2 replacement or substance abuse services.

3 “(f) Golf courses on land:

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

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

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

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

8 “(iii) Is west of U.S. Highway 101.

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

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

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

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

30 “(k) A site for the disposal of solid waste approved by the governing body of a city or county
31 or both and for which a permit has been granted under ORS 459.245 by the Department of Envi-
32 ronmental Quality together with equipment, facilities or buildings necessary for its operation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 “(bb) **Equine and equine-affiliated therapeutic and counseling activities, provided:**

44 “(A) **The activities are conducted in existing buildings that were lawfully constructed on**
45 **the property before the effective date of this 2018 Act or in new buildings that are accessory,**

1 **incidental and subordinate to the farm use on the tract; and**

2 **“(B) All individuals conducting therapeutic or counseling activities are acting within the**
3 **proper scope of any licenses required by the state.**

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

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

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

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

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

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

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

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

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

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

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

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

31 “(i) Planned hours of operation;

32 “(ii) Access, egress and parking;

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

35 “(iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

17 “(D) Must comply with ORS 215.296;

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

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

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

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

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

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

30 “(v) Sanitation and solid waste.

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

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

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

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

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

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

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

1 and

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

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

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

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

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

21
