

HOUSE AMENDMENTS TO HOUSE BILL 2106

By COMMITTEE ON AGRICULTURE AND LAND USE

April 16

1 In line 2 of the printed bill, after “use” insert “; amending ORS 215.213”.

2 Delete lines 4 through 7 and insert:

3 “**SECTION 1.** ORS 215.213, as amended by section 1, chapter 119, Oregon Laws 2018, is
4 amended to read:

5 “215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991
6 Edition), the following uses may be established in any area zoned for exclusive farm use:

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

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

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

13 “(A) ORS 215.275; or

14 “(B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and
15 469.300.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 “(r) Farm stands if:

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

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

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

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

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

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

17 "(v) Fire service facilities providing rural fire protection services.

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

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

24 "(A) A public right of way;

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

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

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

38 "(z) Dog training classes or testing trials, which may be conducted outdoors or in *[preexisting]*
39 farm buildings **in existence on January 1, 2019**, when:

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

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

44 "(aa) A cider business, as described in ORS 215.451.

45 "(2) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),

1 the following uses may be established in any area zoned for exclusive farm use subject to ORS
2 215.296:

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

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

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

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

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

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

19 “(c) 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)(u) of this section.

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

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

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

44 “(h) Personal-use airports for airplanes and helicopter pads, including associated hangar, main-
45 tenance and service facilities. A personal-use airport as used in this section means an airstrip re-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 “(A) The activities are conducted in existing buildings that were lawfully constructed on the
21 property before January 1, 2019, or in new buildings that are accessory, incidental and subordinate
22 to the farm use on the tract; and

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

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

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

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

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

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

45 “(a) The dwelling or activities associated with the dwelling will not force a significant change

1 in or significantly increase the cost of accepted farming practices on nearby lands devoted to farm
2 use;

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

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

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

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

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

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

24 “(7) Subsection (4) of this section applies to a lot or parcel lawfully created between January
25 1, 1948, and July 1, 1983. For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 “(i) Planned hours of operation;

22 “(ii) Access, egress and parking;

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

25 “(iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

1 conveyance of the tract. The agri-tourism or other commercial events or activities must meet any
2 local standards that apply, and the agri-tourism or other commercial events or activities:

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

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

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

7 “(D) Must comply with ORS 215.296;

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

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

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

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

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

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

20 “(v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

41 “(a) A county may authorize the use of temporary structures established in connection with the
42 agri-tourism or other commercial events or activities authorized under subsection (11) of this sec-
43 tion. However, the temporary structures must be removed at the end of the agri-tourism or other
44 event or activity. The county may not approve an alteration to the land in connection with an
45 agri-tourism or other commercial event or activity authorized under subsection (11) of this section,

1 including, but not limited to, grading, filling or paving.

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

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

11 “**SECTION 2.** ORS 215.213, as amended by section 7, chapter 462, Oregon Laws 2013, section
12 2, chapter 148, Oregon Laws 2017, section 4, chapter 253, Oregon Laws 2017, section 4, chapter 504,
13 Oregon Laws 2017, and section 2, chapter 119, Oregon Laws 2018, is amended to read:

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

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

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

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

22 “(A) ORS 215.275; or

23 “(B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and
24 469.300.

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

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

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

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

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

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

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

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

31 “(D) Has a heating system; and

32 “(E) In the case of replacement:

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

1 and release statements filed under this paragraph; and

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

10 “(r) Farm stands if:

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

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

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

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

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

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

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

1 trict as defined in ORS 540.505.

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

5 “(A) A public right of way;

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

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

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

19 “(z) Dog training classes or testing trials, which may be conducted outdoors or in [*preexisting*]
20 farm buildings **in existence on January 1, 2019**, when:

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

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

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

26 “(2) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),
27 the following uses may be established in any area zoned for exclusive farm use subject to ORS
28 215.296:

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

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

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

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

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

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

45 “(c) Commercial activities that are in conjunction with farm use, including the processing of

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

2 “(d) Operations conducted for:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 “(A) The activities are conducted in existing buildings that were lawfully constructed on the
2 property before January 1, 2019, or in new buildings that are accessory, incidental and subordinate
3 to the farm use on the tract; and

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

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

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

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

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

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

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

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

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

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

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

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

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

1 jection is received, the governing body shall set the matter for hearing in the manner prescribed in
2 ORS 215.402 to 215.438. The governing body may charge the reasonable costs of the notice required
3 by subsection (5)(a) of this section to the applicant for the permit requested under subsection (4) of
4 this section.

5 “(7) Subsection (4) of this section applies to a lot or parcel lawfully created between January
6 1, 1948, and July 1, 1983. For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 for:

2 “(i) Planned hours of operation;

3 “(ii) Access, egress and parking;

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

6 “(iv) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

33 “(D) Must comply with ORS 215.296;

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

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

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

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

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

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

1 “(v) Sanitation and solid waste.

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

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

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

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

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

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

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

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

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

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

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

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

37
